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SOVIET ADMINISTRATIVE LAW

A Textbook for Law Schools

by

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Section ~~Part I~~General ~~Section~~ Part

Introduction

1. Legislation, Administration of Justice, and Administration

On October 25th (November 7) 1917, the bourgeois provisional government was deposed and state power was transferred to the Soviets. "The importance of this overthrow", V. I. Lenin pointed out to the session of the Petrograd Soviet of October 25 (7 November) 1917, "is that we will have a Soviet government, our own organ of authority, without any participation by the bourgeoisie. The oppressed masses themselves will create the authority. The old state apparatus will be smashed at its base, and a new administrative apparatus of Soviet organizations will be created."^{1/}

The Second All-Russian Congress of Soviets proclaimed the transfer of all power to the Soviets, and formed the first Soviet Government--the Council of Peoples Commissars, under the chairmanship of V. I. Lenin, for the administration of the country.

^{1/} Lenin, Sochineniya (Works), Vol. XXII, page 4

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The Great October Socialist Revolution led to the creation of a state of a new type, differing basically and in principle from all preceding types of states. The ^{instruments} weapons of power in the bourgeois state consist for the most part of the army, the punitive organs, ^[razvedka] intelligence, and the prisons. For the exploiting state, two basic functions are characteristic in all stages of its development: "internal (principal) -- to keep the exploited majority in ^{check} ~~hand~~, and external, (secondary) -- to extend the territory of its own ruling class at the expense of the territory of other states, or to defend the territory of its own state from attack by other states." ^{1/} The governmental apparatus of a state of the exploiting type has always been, and is, organized to carry out these two basic functions. From the first days of its inception, the Socialist state was designed for the building of a communist society. Since the October Revolution, our socialist state has passed through two main phases in its development.

The first phase covers the period from the October Revolution to the liquidation of the exploiting classes. In this period, the socialist state had to suppress the resistance of the ^{deposed} overthrown classes; organize the defense of the country against attack from without, restore the industry and agriculture destroyed by the imperialist war and the invasion of our territory by interventionists during the civil war, and set the stage for the liquidation of capitalist elements.

Corresponding to these basic tasks, the socialist state performed

1/ Stalin, Voprosy leninisma

(Problems of Leninism), 11th edition, p. 664

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two basic functions in this period--suppression of the ^{deposed} overthrown classes ^{within} inside the country and defense ^{against} from attack from without.

In the first phase of development of the socialist state there was still a third function which was not developed to any great extent in this period--
the economic and organizational ^{work} and the cultural and educational work of the organs of the Soviet state. This function (which became a major one in the next phase) had as its purpose "the development of the seedlings of the new, social-
ist economy and the re-education of the people in the spirit of socialism."^{11/}

① The Second Phase -- is the period from the liquidation of the capitalist elements ⁱⁿ of town and village to the complete victory of the socialist system of economy and the adoption of the new Constitution. The main tasks of the Soviet state in this phase were the organization of the socialist economy throughout the country and the liquidation of ~~the~~ last residuals of capitalist ~~the~~ elements, the organization of a cultural revolution, and the organization of a completely modern army for the defense of the country. In the new stage of development of the Soviet state, new functions appeared in place of the old ones ^{had} which gradually disappeared with changing circumstances.

"The function of military suppression ^{within} inside the country has ^{disappeared,} died-out.

for exploitation has been eliminated. There are no more exploiters and

there is no one to suppress. Instead of the function of suppression, ~~there~~

1/ Stalin, Voprosy leninisma (Problems of Leninism), 11th edition, page 605.

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^{now has}
~~has appeared for the state~~ the function of safeguarding socialist property
 from the thieves and embezzlers of the people's ^{wealth} property. The function of
 the military defense of the country from attack from without remains in its
 entirety; accordingly the Red Army and the Navy have been preserved, as have
 been the punitive organs and intelligence, which are necessary for the appre-
 hension and punishment of the spies, murderers, and wreckers sent into our
 country by foreign intelligence. The functions of economic and organization-
 al ^{work} and cultural and educational work by state organs have been preserved
 and have undergone full development. Now the chief task of our government
 within the country is peaceful economic and organizational ^{work} and cultural
 and educational work. As for our army, punitive organs, and intelligence,
 their sharp edges ^{is} are no longer turned ^{against internal foes but} within the country, ~~but outside it,~~
 against external enemies." ^{1/}

On June 22, 1941, Hitlerite Germany treacherously attacked the USSR,
 rudely and basely breaking the treaty of nonaggression. Our Soviet land had
 to reorganize the work of the whole governmental apparatus from the ground up.
 The Red Army and the Navy marched off to defend our Motherland from the Ger-
 man-fascist invaders and drive them out of the country. Thus began the per-
 iod of the unparalleled heroic struggle against the invasion of the German-
 fascist hordes.

1/ Ibid, page 606

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91 But even in wartime, the aforementioned functions of the socialist state in the second phase of its development have been fully preserved. In this period, as Comrade Stalin pointed out in his report, "The Twenty - Fifth Anniversary of the Great October Socialist Revolution," the activity of our state and Party organs has had two aspects -- peaceful construction and the organization of a strong rear for the front; and the conducting of the defensive and offensive operations of the Red Army.

Soviet factories and plants have worked at full capacity and supplied the army with everything it has needed. The workers ^{have} reorganized the economy on a war footing in an unheard-of short time, shifted the base of industry from the threatened areas ~~and~~ to the east, built hundreds of new industrial plants, and increased production of all types of armaments and ammunition. The collective-farm peasantry ^{has} increased the sown area and ^{striven} strove selflessly for big harvests, supplying the army and the country with provisions.

As the Patriotic War ^{has gone} went on, the military power of the USSR ^{has grown} grew and the Red Army ^{has become} became a force to be dreaded by its enemies. It ^{has been} was tempered in battle, ^{has} acquired a great deal of military experience, and ^{has} reorganized and rearranged its ranks in accordance with new conditions and requirements.

"The war has been a stern test of the strength and stability of the Soviet system. The calculations of the German imperialists on the disinte-

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gration of the Soviet state have proved completely wrong. Socialist industry, the collective farm system, the friendship of the peoples of our country, and the Soviet Government have shown their firmness and indestructibility." ^{As} Comrade Stalin pointed out in his order No. 345 of November 7, 1942,

The war has shown the invincibility of the Soviet people and the firmness of Soviet principles of governmental administration.

The aforesaid functions are carried out by all the organs of the state--the legislative, ^{the} judicial, and ^{the} executive-managerial. Each of these organs, in accordance with the Stalin Constitution, acts in a definite field and on the basis of rights carefully established by the Constitution.

Within the scope of its jurisdiction, that is, within its sphere of operations and within its rights, ^a the governmental organ performs functions designed for realizing the tasks with which the organ is charged. ^{In this way} ~~no way violates the principle of unity~~ ^{the oneness} of governmental authority, ~~is not violated at all~~. The exact demarcation of spheres of activity ^{rules out} eliminates the possibility of the substitution of one organ for another, ^{being substituted} and insures the orderly operation ^{that} of the governmental machinery. ^{will be well-proportioned.}

Legislation (zakonodatel'stvo) is the establishment by the highest organ of governmental authority of statutes possessing ^{supreme legal} ~~the highest juridical~~

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force and binding upon all organs of the state and social organizations,
and ~~also~~ upon individual citizens *as well*

Administering justice (pravosudiye) is either the application by the courts, on the basis of special rules of procedure, of ^{statutes} ~~the statutes~~ to the violators of laws made by the state; or the settlement by the courts, on the basis of special rules of procedure, of disputes between government organs, social organizations and citizens; or the establishment by the courts, on the basis of special rules of procedure ^{of some fact} of legal importance (for example, the determination of age).

Governmental administration is the broadest form of governmental activity. In the USSR governmental administration is the executive-managerial activity of government organs, which activity is directed toward the daily realization of the will of the workers and peasants expressed in the law and toward the strengthening and development of the social and governmental structure of socialism.

In carrying on the executive-managerial operation, Soviet organs ^{strengthen} ~~strengthen~~ the social relationships and system which are beneficial and ^{agreeable} ~~pleasing~~ to the workers, ^{and with this in view,} ~~and in order to do this,~~ Soviet organs organize and regulate relationships between citizens, social organizations, and ^{government} ~~state~~ organs.

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Performing the executive-managerial operation means the actual carrying on of the functions of the socialist state, and its tasks. It means assisting in every way the growth and ~~strength~~ consolidation of the new socialist relationships, changing or ^{ending} discontinuing those social relationships which retard progress ^{on the way to} ~~along the path toward the building of~~ a communist society.

Executive-managerial activity means the actual carrying on of accounting, control, ~~(and)~~ checking, selection and placement of personnel, organization, planning, and inspection.

"Administration is the organizing activity of the state," ^{1/} wrote Marx.

100P In his article, "The Next Tasks of the Soviet Power", V. I. Lenin teaches that ^{the capacity for practical organization} ~~ability to~~ ^{is} ~~is~~ necessary for successful administration. Comrade Stalin says the most important element in leadership is the ability to organize in a practical manner the execution of Party directives and government decrees; and the ability to place people properly, to check on them ^{promptly} ~~in time~~, and to mobilize the masses for the ^{accomplishment} ~~solution~~ of these ^{tasks} ~~problems~~. At the Seventeenth Congress of the All-Union Communist Party ~~(Bolsheviks)~~ Comrade Kalinin stated: "In the Soviet Union, to administer means to organize." ^{2/}

There is organization in every aspect of the national economy. Or-

1/ Marx and Engels, Sochineniya (Works), Vol. III, ~~Page~~ 12.

2/ Stenograficheskiy otchet SVVU s"yezda VKP (b) [Stenographic Report of the Seventeenth Congress of the All-Union Communist Party] p.583

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ganization becomes vitally important under the conditions of the tremendously active role of the socialist state.

Executive-managerial organs in the USSR, on the basis of laws and in the execution of laws, organize the defense of the USSR, strengthen its power and independence, direct the building up of its armed forces, conduct foreign trade as a state monopoly, safeguard state security, preserve order, defend the interests of the state, and safeguard the rights of citizens. These organs carry out the plans for the national economy and the plans for economic and social and cultural development based on the former; increase and strengthen socialist (public) property in every way; see that citizens and all organizations fulfill their obligations to the state; and create all conditions for the fullest development of the individual.

The guiding principle for all this is Lenin's instruction:

"not to divorce administration from politics", "the apparatus for politics (= revision and correction of the relationships between classes), and not politics for the apparatus" 1/

2. Soviet Governmental Administration and the Leadership of the Communist Party

According to Article 126 of the Stalin Constitution, the All-Union Communist Party (Bolsheviks) is the guiding core of all workers' organizations, 1/ Lenin, Sochineniya (Works) Vol. XXVII, Page 252 and Vol. XXX, p 422

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both social and state.

Party leadership guarantees the unity of the actions of the state apparatus as a whole, and of all the mass organizations of workers. The Party works out the general line of the struggle; ^{the} integrates the work of the organs of authority (~~the state~~), the courts, and the administrative organs; directs their work; and ^{because of its great prestige,} ~~making use of high authority,~~ spurs all organizations to carry out, firmly and persistently, the general line of the Party. The Bolshevik Party mobilizes the working masses of the USSR to the practical resolution of pressing day-to-day problems.

The Party organs direct the government establishments, although the establishments are not hierarchically subordinated to the Party organs.

"The Party is the nucleus of authority. But it is not, and cannot be, identical with the governmental authority." ^{1/} Comrade Stalin teaches that the

Communist Party directs the governmental apparatus. The Communist Party, through its members ^{employed} ~~working~~ in ^{governmental} ~~these~~ establishments, guides the work of the latter and directs their activity.

^{As a result of} ~~Thanks to the~~ ^{experience of} ~~Party~~ in directing the Soviet governmental apparatus the following basic forms have been worked out:

- 1) The merging of Party top personnel and Soviet top personnel

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1/ Lenin, Sochineniya (Works) . Vol. XXVII, Page 252 and Vol. XXX, Page 422

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is of ^{critical} importance. ^{of} ~~about~~ these top Soviet personnel, V. I. Lenin

wrote:

" They are merged with us and ^{they continue to be} ~~will become the same~~ ^{so in the future} ~~But~~ ^{the economic,}

administrative, social-cultural and other ~~of our~~ establishments are not establishments of the Communist Party.

2) Further, not a single important question can be decided without instructions from the ^{Party} organs, using their very rich experience, and relying on the experience of the best stakhanovites of industry and agriculture (consultation with workers in the coal, petroleum, and textile industries, with tractor operators, ~~brigadiere and~~ collective farm brigade leaders, etc.)

3) On important questions of governmental administration joint decrees compulsory for both Soviet and Party organizations are issued centrally by the Central Committee of the All-Union Communist Party and the Council of Peoples' Commissars of the USSR ^{and} locally by oblast (krai) committees of the All-Union Communist Party and ~~the~~ oblast (krai) executive committees, in the localities.

4) When project plans are being formulated, ^{Party} organs issue instructions. Plans for the national economy, as a rule, are discussed at Party meetings. Resolutions ^{adopted} ~~created~~ there are put into effect by ^{the} proper Soviet organs.

1/ Lenin, Sochineniya (Works), Vol. XXVI, p. 208

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5) Party groups are formed at all meetings, conferences and in elective Soviet organizations where there are at least three Party members. The purpose of these groups is "the strengthening in every way of Party influence and the dissemination of the Party policy among non-Party people, the strengthening of Party and state discipline, combatting bureaucracy, and checking up on the execution of Party and Soviet directives". (Article 70, Regulations of the ^{All-Union} Communist Party).

Party leadership of the mass Soviet organizations is ^{exercised} accomplished through these Party groups. Party groups are obliged to carry out the resolutions of the directing Party organs strictly and ^{without fail} steadfastly. They are subordinate to their respective Party organizations (the Party group of the executive committee of the ^a city Soviet to the city committee of the All-Union Communist Party, the Party group of the rayon executive committee to the rayon committee of the All-Union Communist Party; the Party group of the oblast executive committee to the rayon committee of the All-Union Communist Party; the Party group of the oblast executive committee to the oblast committee of the All-Union Communist Party, etc.)

6) Party members, regardless of how important ^{the government} government posts they hold, ^{are} are under the Party. This provides the necessary very strict discipline of all members of the Party.

7) The Party checks the work of the organs of governmental administration, correcting their errors, eliminating defects and, if necessary, helps in

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carrying out resolutions. Checking the work of the apparatus of governmental administration is the duty of competent Party organs. There is a Commission of Party Control for the purpose of checking on the execution of decisions of the Central Committee of the Communist Party. In the union republics, krais, oblasts, cities and rayons, the respective directing Party organs check up on the execution of their resolutions directly, relying upon primary Party and ^{known} ~~Young Communist~~ organizations (of establishments, plants, factories, collective farms, state farms, machine-tractor stations, etc.).

The Seventeenth Congress of the All-Union Communist Party gave the primary Party organizations of productive enterprises the right to check on the work of factory and plant administrations.

^{in) while not}
 Soviet establishment Party organizations ~~not~~ exercising checking functions, ^{report to} must ^{to the proper Party organs} inform the proper Party organs of defects in the work of the establishments and keep a record of defects in the work of the establishment and its individual workers and send such materials and recommendations to the proper directing Party organs and to the director of the institution.

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Chapter I

What
~~The Subject of~~ Soviet Administrative Law Deals With

1. Administrative - Law Relationships

Space — In carrying ~~out~~ *on* executive *functions,* managerial activity *of* government establishments and organizations enter into relations: (a) among themselves (for example, the rayon executive committee and the rayon office of education), (b) *with* ~~between~~ voluntary associations and societies of workers (for example, the city department of health and the Society of the Red Cross) and c) with individual citizens (for example, the oblast financial office and citizen Sidorov).

These relationships are regulated by administrative law statutes and are called administrative-law relationships. In any given administrative - law relationship one of the parties, *that is,* ~~in other words,~~ the subject of the relationship, is a government organ. There cannot be an administrative-law relationship between two citizens.

A The government organ *acts* ~~operates~~ under the authority of the state, acts in its name, and cannot exceed the rights given it. The execution of *all* the orders *issued by* ~~of a government~~ *organ* is absolutely compulsory unless the orders are in conflict with the law.

Consent of
~~Agreement between~~ both parties is not necessary for an administrative-law relationship to arise. For example, the relationship between a person disturbing the peace and the militia may arise on the initiative of the latter independent of the wishes of the offender. Breaking the law results in the offender's, i. e., citizen's or government organ's, answering to the state.

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For example, an inspector of a financial office who has broken the laws on agricultural taxes, answers to the state for this violation. Similarly, a citizen violating a military ^{and registration} regulation answers to the state for his offense.

Disputes arising in administrative - law relationships, are resolved, ^{as} a rule, within the administrative framework and not ^{with} the judicial framework, i. e., by the direct order of the authorized government organ (official). The appeal of a citizen concerning the illegal act, for example, of an official of the oblast agricultural ^{section} office, will be considered by a superior of the official in question. Within the limits of the rights given him, the superior may, by means of an order, suspend, alter, or rescind the order of the official. The order of the superior must be executed.

The administrative method of settling disputes is the principal, but not the only, method. In 1937 ^{judicial} court procedure was set up to settle matters concerned with compulsory exactions ^{of payment} of arrears ^{of} with regard to taxes and state deliveries in kind and to settle matters concerned with the attachment of property for fines levied by militia organs and by the railroad and forest guard. And that is why it was stated above that disputes in administrative-law relationships are, as a rule, decided by the direct order of the proper administrative organ (or of its official).

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2. The Definition of Soviet Administrative Law

Soviet administrative law is ^{that} ~~the~~ branch of socialist law ~~that~~ which

regulates the executive-managerial activity of government organs and defines the rights and duties of citizens within this sphere and also the organization, authority, and responsibility of organs of ^{governmental} state administration.

Administrative law ^{embraces} includes the following ^{branches} types of laws:

1. ^{Laws} ~~Those~~ which regulate the executive-managerial activity of all government organs. These are comprised of

This includes laws which establish the forms and methods of governmental administration in various branches of the national economy. ^{the} It also includes ^{They} laws which define the ^{between} interrelations of government organs and social organizations.

2. ^{Laws} ~~Those~~ which define the rights and duties of citizens in the sphere of executive-managerial ^{activity} operations. In particular, this group includes laws which establish the rights of citizens to the protection of their legal rights and interests and to appeal illegal acts of officials. Also included here are laws establishing the duty of citizens to carry out the legal prescriptions of government organs, as well as the accountability of citizens for the violations of such prescriptions.

3. ^{Laws which} ~~Those that~~ regulate the procedure of forming and liquidating organs of governmental administration. They include laws ^{that} which determine ^{which} the ~~classes~~ ^{are to} of government organs that have the right to form new establishments, liquidate existing establishments, subdivide them, transfer them to other government

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... or change their organizational setup.

4) ¹¹⁰² Those which define the competence, i. e., the range of duties and scope of authority, and the answerability of the various component parts of organs of governmental administration. This category includes laws which establish the rights, duties, and functions of organs of governmental administration and officials, the division of authority among different component parts of the government agency, and the authority of organs of administration to issue acts of governmental administration.

3. How Soviet Administrative Law Differs From Other Branches of Law

Soviet administrative law is ~~very~~ closely related to ^{constitutional} ~~governmental~~ law, which describes and strengthens the social and governmental structure, the principles of organization and operation of the apparatus of state authority, governmental administration, the courts and ^{as well as} public prosecution, ^{Governmental} law also describes and strengthens both the fundamental rights of Soviet citizens, which rights are safeguarded by Soviet law, and the citizens' obligations to the government.

Soviet ^{constitutional} ~~governmental~~ law establishes the ^{principles of} ~~basic laws~~ for all branches of socialist law including Soviet administrative law. It provides the legal foundation for all administrative-law institutions and for the whole system of administrative law.

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Soviet ^{constitutional} governmental law defines the place of the administrative organs in the governmental machinery, their relation to the organs of the public prosecutor, the courts, and the legislative organs; it defines in a general way the scope of authority of administrative organs and the distribution of subjects under all-union, union republican, and autonomous republican jurisdiction between the highest organs of state authority and the organs of governmental administration, (of the USSR, the union republics, and the autonomous republics).

But, as stated above, ^{constitutional} governmental law ^{principles} only gives the basic laws for the organization and ^{activity} operation of the administrative apparatus. Soviet administrative law, however, includes the laws which define the structure of the administrative apparatus from top to bottom and its functioning ^(activity) ~~(operation)~~ in every branch of the national economy.

Soviet administrative law is closely bound up with civil law (~~гражданское право~~) especially ^{as} with regard to matters having to do with the legal status of state economic organs managing socialist property, property rights of directors of establishments, ^{responsibility} ~~calling~~ officials to account under civil law, etc. These matters are regulated by administrative and civil law. But each of these branches of law considers these matters from its own point of view ~~proceeding from its own subject.~~

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The ^{subject} ~~subject~~ of civil law is ^{the} ~~the~~ property relationship arising for the most part out of contracts and not as a result of orders issued by organs carrying ^{on} ~~out~~ governmental administration ^{comes under civil law.} (for example, property relationships between citizens and state trading enterprises in connection with buying and selling, between two trusts in connection with a contract, etc.)

Soviet administrative law regulates only those property relationships which arise as a result of orders issued by organs of governmental administration, as for example, fulfillment of deliveries in kind to the state by collective farms, collective farmers, and peasants farming as individuals; payment of taxes by citizens of the USSR, enterprises and organizations, confiscation or requisition of property, fines for the violation of compulsory decrees, transfer of enterprises from one government agency to another in accordance with a ^{decree of a} ~~government~~ organ authorized to issue such decrees, etc. In other words, Soviet administrative law regulates only those property relationships in which government organs ^{appear} ~~emerge~~ as bearers of authority.

Administrative law deals with a considerable number of matters which also come under labor law, which regulates relationships in the field of labor. With the aid of labor law statutes the Soviet state strengthens and develops the social relationships of citizens in the field of labor.

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There are also labor relationships between ^{the} an administration of an enterprise or establishment and citizens. The directors ~~of any given~~ government organs ^{are} ~~is~~ vested with rights and duties in the field of hiring and discharging workers, organizing labor, and employing incentive and penalty measures.

Special organs were created by the Soviet state in all branches of the national economy to carry out state inspection of the observance of rules for the protection of labor (boards of inspection for hygienic technical and industrial conditions, boards of labor inspection, etc.). These organs perform their functions in the executive-managerial framework.

The authority of organs of governmental administration in the field of the organization of labor and its protection, and the formation and operation of general and special organs of administration in the field of labor ^{are dealt} ~~are the sub-~~ ^{with in} ~~ject of~~ Soviet administrative law. In administrative law these matters are considered in connection with the study of the rights and duties of officials or in connection with the study of ^{the sphere} ~~scope~~ of authority of organs of special administration in this field (boards of inspection for hygienic technical and industrial conditions, board of inspection for labor protection, etc.).

Soviet administrative law is also closely connected with collective farm law, which regulates relationships arising out of membership in a collective farm and arising on the basis of the Model Regulations for an Agricultural

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Artel and special collective farm legislation. Organs of general administration (councils of peoples' commissars and executive committees of local Soviets) and special administration (peoples' commissariats of agriculture and their local organs) carry out direct state supervision of collective farms.

The supervision of collective farms differs from the direct administration, for example, of seed and winnowing stations and the like, veterinary stations, and other establishments of the system of the Peoples' Commissariat of Agriculture of the USSR.

With regard to collective farms, organs of governmental administration cannot employ direct orders insofar as the collective farm is administered by the general assembly of its members and the organ elected by the members, the collective farm board of management, (~~pravleniye kolkhoza~~). Organs of governmental administration and local organs of state authority carry out state supervision (~~gosudarstvennoye rukovodstvo~~) of collective farms and inspect for the fulfillment by collective farms and collective farmers of their obligations to the socialist state.

Soviet administrative law ^{deals with} includes the organization, functions, rights and duties of organs carrying on state supervision of collective farms; inspection for the fulfillment by collective farms and collective farmers of compulsory deliveries in kind; the ^{sphere of authority} competence of organs of ^{governmental} state administration in the field of state planning, the organization and activity of special agricultural establishments (stations, points, laboratories,

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experimental fields, and so forth), and also the establishment of compulsory regulations ^{on} ~~for carrying on~~ agriculture (~~agricultural engineering and~~ animal husbandry, ~~regulations, branding of cattle, registration~~ ^{land improvement} ~~[pasportizatsiya]~~ of horses, etc.), and ~~carrying on~~ ^{extension} agrarian law ~~[zemleustroitelnyy]~~ work and the ~~extending~~ ^{extension} of government credit.

4. The Sources of Soviet Administrative Law

The sources of administrative law, in the juridical sense of the term "sources", are those laws and other rule-creating acts which regulate relationships that arise ^(in administrative work) in executive-managerial ^{operations}. The following are sources of Soviet administrative law:

1) The Constitution of the USSR and the constitutions of the union and autonomous republics, which serve as the legal base for all legislation of the USSR, the union republics and the autonomous republics, and which ^{are} ~~is~~ the main sources of Soviet administrative law.

The Constitution of the USSR and the constitutions of the union and autonomous republics define the ^{principles of} ~~basic rules for~~ the organization and operation of the organs of governmental administration, their place in the system of the organs of the Soviet state and also establish the scope of authority of these organs, especially in the field of issuing acts of governmental administration.

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2) Laws of the USSR, ^{the} union republics and autonomous republics, ^{the} in the

In ~~Soviet State~~ ^{governmental} the Soviet state the activities of all state organs are based on law. In bourgeois states where all power is concentrated in the hands of the so-called executive apparatus, the law is frequently suspended or entirely annulled by this all - powerful apparatus. Marx observed in the last century that in bourgeois states the executive apparatus violates the laws from the very beginning.

No 9. At the present time, the executive apparatus ^{really} has ~~actually~~ concentrated in its hands. ^{concentrated in its hands.} ~~trated in its own hands~~ the legislative, judicial, and administrative functions. Under these conditions the legislative organs have ceased to be, or are ceasing to be, authentic lawmaking organs.

In our country the Supreme Soviet of the USSR has the exclusive right to issue all-union laws. These laws are the basis of all governmental administration.

3) Decrees of the Presidium of the Supreme Soviet of the USSR and the presidiums of the supreme soviets of union and autonomous republics, (for example, on the subdivision of peoples' commissariats, on the partitioning of oblasts and krais, on the revocation of ^{illegal} decisions and orders of the councils of peoples' commissars) which decisions and orders do not conform to law, etc.)

1) See the works of Marx and Engels, vol XVI, Part I, pp. 203-204

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which are the basis for other administrative- ^{laws} ~~law rules~~ (decrees and orders of the Council of Peoples' Commissars, orders of the peoples' commissars and decisions of the executive committees of the Soviets);

4) Decrees and orders of the Council of Peoples' Commissars of the USSR, and the councils of peoples' commissars of the union and autonomous republics. These are issued on the basis of, and ^{in the implementation of} ~~to carry out~~ laws, which ^{makes for} ~~this secures~~ the necessary stability of Soviet laws and the strengthening of the socialist state.

5) Orders and instructions of peoples' commissars, chiefs of independent main administrations, and chairmen of committees and commissions attached to the councils of peoples' commissars. These acts, which are based on laws, decrees, and orders of the councils of peoples' commissars, regulate the functioning of the governmental apparatus in the various branches of ^{governmental} ~~state~~ administration.

6) Resolutions and orders of Soviets of Workers Deputies and their executive and managerial organs. ^{acts} They are the sources of both the general and ^{particular} ~~individual~~ acts of governmental administration issued by governmental organs subordinate to the Soviets.

^{Special attention should be given to the subject of obligatory decisions}
~~It is especially necessary to mention compulsory decrees (resolutions)~~
^{Obligatory decisions}
~~Representatives~~ of local Soviets. ^{Compulsory decrees} differ from the ordinary acts of these organs: (a) in that they are binding upon all citizens and also upon institutions and enterprises in the territory over which ^{The} Soviet in question

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has jurisdiction regardless of what governmental agency they are under, and
 (b) in the administrative sanctions for their violation — fine, compulsory work,
 and admonition (see Par. 3 Chapter V).

71. A judicial act may be a source of Soviet administrative law (for
 example, a judicial act on compulsory confiscation of property for nonful-
 fillment of state obligations, on seeking out persons evading being called
on the part of citizens
 to account, etc.).

Space →

5. The Structure of Soviet Administrative Law

Intend 5 spaces ^{ve} Operating administrative-law laws are divided into the following:

- 1) Laws defining the ^{principles of} basic rules for organization and operation which
are common to the whole apparatus of ^{governmental} state administration:
- 2) Laws defining the application of the general ^{principles} basic rules in ^{to}
specific branches of ^{governmental} state administration (industry, agriculture and so forth)

Corresponding to this fundamental division, there are two parts to
 operating administrative law: General and Special.
 The General Part has the following subdivisions:
General and Special (Particular)

1) The basic principles of Soviet governmental administration (democratic
 centralism, socialist legality, socialist planning, participation of workers
 in governmental administration).

2) The legal position of organs of governmental administration, &
 in particular, the classification of organs of administration according to
 sphere of authority, method of formation, etc., and ^{the} regulation of Soviet

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government service.

- 3) Authority of organs of administration in issuing and ^{executing} carrying out
acts of state administration (forms, of acts of Soviet governmental admin-
 istration and their classification according to their juridical properties,
 measures used by organs of administration for carrying out acts).
- 4) Forms and methods of ^{Machinery} insuring legality in governmental adminis-
tration (inspection of organs of the public prosecutor, state "control",
 [checking], appealing acts of government organs and officials, etc.).

The Special (Particular) Part has three subdivisions:

- 1) Administration in the field of the defense of the USSR, safeguarding
state security and preserving order.
- 2) Administration in the field of the socialist economy.
- 3) Administration in the field of social ^{and} cultural development.

Chapter II

THE BASIC PRINCIPLES OF SOVIET GOVERNMENTAL ADMINISTRATION

Soviet governmental administration is carried out on the basis of the
 following principles:

- 1) Democratic centralism - the concentration of planning and leadership
 on fundamental questions in central organs combined with the development of
 local initiative and creative ^{enterprise} self-help;
- 2) Socialist legality - the precise and absolute observance of laws and
 the acts of governmental administration based on the laws;

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3) Socialist planning- ^{directing the national} ~~conscious direction~~ economy of ^{consciously and} ~~the country~~ accord-

ing to plan.

4) Participation of workers in governmental administration.

¶ Let us examine each of these principles.

Space

1. Democratic Centralism

Space

Centralism is generally understood to mean the concentration of all governmental authority in central organs and the unification by them of the work of the whole ^{governmental} state apparatus. Centralism is necessary and exists in every state. There is a difference between bureaucratic centralism and democratic centralism.

In order to understand the essence of democratic centralism it is necessary, according to V. I. Lenin, to understand "the extent to which democratic centralism differs from bureaucratic centralism on the one hand and from anarchism on the other."

Bureaucratic centralism, fundamental to bourgeois ^{governmental} state administration, is characterized by the fact that with stringent centralization of ^{governmental} state administration the activity of workers is suppressed and local initiative and ^{creative enterprise} ~~action~~ are ignored. The organs of ^{governmental} state administration are separated from the laboring masses and are not under their control.

No ¶

Over the organs of local self-government elected on the basis of bourgeois election law, are the officials of the central apparatus, who in 1/ Lenin, Sochineniya (Works), Vol XXII, p. 415

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actual fact deprive these organs of all independence.

Theoretically, "local self-government" is administration by the localities themselves, ^{administration carried on} ~~realized~~ by the population through their representatives. It is assumed that "local self-government" is outside the centralized administration, that is, as though it were independent of the central executive power. Formally, the central governmental administration does not give "self-governments" instructions and orders the execution of which is compulsory. Within the limits of the general laws of the state, no one apparently prevents the "self-governments" from enacting any resolutions or decrees. ^{In actuality,} ~~Actually,~~ however, the people in bourgeois states are kept remote from administration and the sphere of authority of the "organs of self-government" is determined by the will of the executive power. Organs of "self-government" are deprived of political functions and their sphere of authority is limited chiefly to secondary economic matters of local importance.

In reality, in bourgeois countries, beside the organs of "self-government" elected by the people, there are also representatives of the central government (governors, prefects, etc.). The representatives of the center ^{ostensibly} merely see that the "self-governments" do not go beyond the limits of legality. ~~However, in actual~~ ^{fact}, these representatives of the center, on the basis of ^{operative} ~~operating~~ laws dictate their will to the "self-governments" sanctioning or annulling their decisions.

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Bourgeois students of government usually point to English "self-government" as the most democratic: in England there are neither governors nor prefects in the localities and the organs of "self-government" themselves are considered the executors of the law. In reality, however, the last decade has been characterized by the transfer of many functions of local administration to the central organs. The latter, in the form of ministries, are organs controlling the operations of "self-governments".

In this way control by the central authority is intensified at the expense of the role of local "self-government". Ministries exercise control through special inspectors who apply the necessary pressure on the "organs of self-government".

Since the central power became the appeal instance with respect to local organs of administration (since 1929), the interference of the central power in local matters has increased, and as a result there has been a strengthening of the bureaucratic tutelage of the center over the local "self-governments".

The process of bureaucratic centralism is noted by many bourgeois statesmen. R. Muir, a prominent ^{member} ~~statesman~~ of the English Liberal Party writes, "The process of centralization is clearly apparent from that ever-increasing control which is being exercised by the central government over local organs of administration."

NA The latter are increasingly becoming mere agents carrying out the will of

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the central government".¹

In fascist states where the formal independence of local organs of administration has been done away with, bureaucratic centralism has ^{gone to} ~~reached~~ extreme limits. Administration in these states has become formally and factually administration by bureaucracy.

Anarchism is against any centralization and is in favor of the preservation of independent communities not connected with the center in any manner whatsoever. The most well-known representative of anarchism, Bakunin, said, "Centralization means the graveyard". According to Bakunin a military dictatorship of Caesarism in France was produced by political centralization. Spanish anarchists, who in every way supported the separatism of the provinces and federal dismemberment, fought against centralization in the revolution of 1873, thereby helping the counter-revolutionary bourgeois in the suppression of the revolutionary movement of the working class.

In 1936-1938 the active struggle of Spanish anarchists against centralization at the front and in the rear was ⁹ in reality effective assistance to the forces of reaction.

Fighting centralism means attacking one of the fundamental precepts of the governmental setup recommended by V. I. Lenin:

"The large centralized state is a great step forward historically from

¹ / "How Britain is Governed", 1936, Page 278

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very small units characteristic
 the dismemberment of the Middle Ages toward the future socialist unit of the whole world".¹

Bolsheviks are centralists by conviction. Centralization is ^{essential} necessary for the realization of the aims and tasks of Soviet ^{governmental} state administration ^{its} ~~It is essential because necessity is dependent on the fact that~~ (1) the USSR is encircled by capitalist states, which necessitates unifying all the forces of the country, a thing which is possible only on the basis of centralization; (2) it is necessary to use all the resources of the country to build ^{the} a new society according to ~~a~~ one centralized national plan; (3) for a Bolshevik community of class interests comes before national isolation.

However, Bolsheviks are for a centralism which is combined with the broadest democracy.

Indent → Democratic centralism, in contrast to ~~the~~ centralism of ^{to} bureaucracy ^{to} and anarchism, combines centralization of administration with the maximum development of local initiative and creative ^{enterprise} ~~self-initiated activity~~ ⁱⁿ by the laboring masses. Democratic centralism stimulates and awakens the creative power and initiative of the masses. The unification of the work of the whole state apparatus by the central organs does not in the least do away with accountability and controllability of the executive-managerial organs.

The central organs concentrate planning and leadership on fundamental

1/ Lenin, Sochineniya (Works) . Vol XVII, Page 154

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matters in their own hands, entrusting the operative ^{solution} treatment of these ^{problems} matters to local organs. Democratic centralism ^{implies local} proposes independence of the localities in the operative ^{solution} treatment of all ^{problems} matters which are common to the whole government. The guiding instructions of the central organs are based on generalization from the ^{local} experience of the ^{problems} localities, and the experience of the working masses. Thus, democratic centralism permits, to a maximum degree, taking into consideration the peculiarities of individual parts of the whole state which parts are characterized by special economic and living conditions, by the special national composition of the population, and so forth. Democratic centralism is the opposite of administrative tutelage.

In democratic centralism, said V. I. Lenin, "unity, basically, fundamentally, and in essence is not violated, but is secured by diversity in small matters, in local peculiarities, by the application of different ^{as in} approaches and by variety in the methods of exercising control".¹ Consequently, democratic centralism contradicts neither the principle of Soviet ^{to national policy} national policy ^{with regard} nor the principle of the unity of the federated state.

"Dual" subordination ("dvoynoye" podchineniye) in Soviet administration is the concrete expression of the principle of democratic centralism. "Dual" subordination means that local organs of administration are subordinate along two lines: to the local organ of authority and to the higher organ of special

¹ / Lenin, Sochineniya (Works), Vol XXII, Page 166

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administration. For example, the rayon financial ^{section} ~~office~~ is simultaneously subordinate both to the local rayon executive committee and to the oblast financial ~~office~~. ^{section}

Vertical subordination (in our example, the oblast financial ^{section} ~~office~~) makes sure that the rayon financial ^{section} ~~office~~ carries out the orders and instructions of the oblast financial ^{section} ~~office~~. Horizontal subordination, i. e., to the local executive committee in our example, permits, on the basis of instructions issued by the higher organ, taking account of local peculiarities and conditions and applying measures based on these peculiarities to bring the masses into ^{participation in} ~~the socialist structure~~. *the building of socialism.*

"Dual" subordination in Soviet administration is required wherever it is especially necessary to take local conditions into account. Taking into consideration the local conditions and peculiarities in the work of local organs of authority ~~(local)~~ ^{and} administration is important and necessary, for example in the field of finance, in local industry, in agriculture, in commerce, and so forth. The principle of "dual" subordination ^{is in effect} ~~operates~~ in this apparatus. There is no "dual" subordination in the centralized government agencies, as, for example, in the administrative apparatus in the fields of defense, foreign relations, the Navy, communications, and so forth, where local conditions are taken into consideration directly by the local offices of the corresponding government agency.

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Indent 5 spaces

→ "Dual" subordination thus provides: (1) full authority ^{for} the local Soviets of Workers' Deputies over subordinate ^{(to them) sections} offices of executive committees and (2) centralized administration for carrying out national tasks in the interests both of the country as a whole and of the localities, ^{individual local areas.}

The principle of democratic centralism calls for: (1) a permanent ^{control} ~~setup~~ ^{over} ~~for checking~~ the lower organs of administration; (2) subordination of lower organs to superior organs; (3) strict observation of plan discipline, and fulfillment of the plan assignments of the higher organs; (4) systematically drawing workers into daily participation in governmental administration; (5) ^[sic!] the exercise, by lower organs, of concrete, operational, and differentiated leadership.

The organization of concrete, operational and differentiated leadership acquired extremely great importance under the difficult conditions of the Patriotic War, the tremendous growth of industry and the expansion of agriculture, and the sharp increase in the number of subjects of administration and the increase in the complexity of all ^{governmental} ~~state~~ tasks. Organization ^{of} leadership must be raised, ^{according to} ~~in accordance with~~ a statement by Comrade Stalin, to the level of political leadership.

Exercising Bolshevik ^K leadership means: (1) ^{particularized leadership,} ~~directing specifically,~~ ^{being led,} knowing the state of affairs in the organizations, ~~being directed,~~ the compo-

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sition of the personnel, their training, and so forth; (2) ^{leading} ~~directing~~ operative-ly, that is, ^{leading while} ~~in the course of~~ carrying out instructions of higher organs and in the process of ^{of these instructions} ~~their~~ fulfillment; (3) leading differentially, taking into consideration different conditions in different parts of the Soviet state and the peculiarities in the work of the given organ of administration (differential leadership proscribes a standard approach to subordinate organs); (4) systematic ^{location of execution} ~~verifying~~ execution; (5) ^{when it} ~~correctly~~ combining the ^(collegium principle) ~~collegium~~ principle in the discussion of questions with ^{in common} ~~one-man~~ ^{individual} responsibility for carrying out decisions.

Comrade Stalin in a talk with the writer, E. Ludwig, said: "One-man decisions are always, or almost always, one-sided decisions. In every ^{committee} ~~colle-~~ ^[kollegiya] ~~group~~ ^{group} in every collective, there are people whose opinions should be considered.... Everyone has the opportunity to amend the one-man opinion or proposal. Each person has the opportunity to bring in his own experience. If this were not the case, if decisions were made by one person, we would have the most serious mistakes in our work"¹.

^{The use of a committee in the} ~~Having a collegium when discussing~~ ^{on of} problems eliminates the possibility of one-sided decisions, but does not eliminate personal responsibility for carrying out these decisions. A ^{committee} ~~collegium~~ is consequently necessary only for the discussion of problems and not

1/ Stalin, Beveda c. nemetskimi pisatelem Emilem Ludvigom (Talk with the German Writer Emil Ludwig) Partizdat, 1933, p. 5

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for carrying out the decisions arrived at. "It is a fundamental principle of administration ^{involved in} according to every decision of the Russian Communist Party and the central ^{Soviet establishments} ~~councils of establishments~~" wrote V. I. Lenin, "to have a specific person entirely responsible for performing specific work".

^{use of the committee, which is}
The collegium, necessary in the process of discussion, must give way ^{direction} to one-man management in the process of execution. The use of ^{the committee} ~~collegiums~~ in execution inevitably results in the elimination of personal responsibility, and retardation of the resolution of problems, that is, it weakens rather than strengthens leadership.

2. Socialist Legality

1. Socialist legality ^{requires} demands unconditional and exact compliance with Soviet laws and the acts of ^{governmental} state administration based on these laws, by all ^{governmental} state organs and citizens of the USSR. The work of organs of ^{governmental} state administration is under the law and under control. All organs of ^{governmental} state administration, ^{while} requiring exact observance of Soviet laws, are themselves required to observe the laws faithfully and to ^{act} operate in accordance with the laws and on the basis of them. The characteristic features of socialist legality are: (1) its absolute obligation, (2) its guaranteeing of the protection of the legal rights and interests of the citizens of the USSR, (3) the reality of legality, (4) the equality of citizens, organs, and officials before the

1/ Lenin, Sochineniya (Works), Vol. XXIX, Page 392

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law. In the USSR laws are universally compulsory regulations. The existence of laws does not however, ^{mean that} ~~preclude~~ the organs of administration ^{cannot} ~~from~~ ^{issue} their own regulations based on the law. The right of organs of administration to issue such regulations, and the ^{manner of their issue} ~~orders to publish~~ them and ~~put~~ ^{enforcement are} ~~them in operation~~ regulated by Soviet laws.

The work of organs of administration must be carried out within the limits established by law and is under the constant supervision of the organs of authority.

The Soviet state ^{prosecutes} ~~follows up~~ a violation of the law with ^{full} ~~all~~ the force of its authority regardless of by whom, official or citizen, it is violated. Article 130 of the Stalin Constitution ^{states:} ~~reads~~ "It is the duty of every citizen of the USSR to abide by the Constitution of the Union of Soviet Socialist Republics, to comply with the laws, to observe labor discipline, ^{honestly} ~~honestly~~ to perform his public duty, and to respect the rules of socialist communal living".

2. Socialist legality in administration is further characterized by the fact that it guarantees the inviolability of the legal rights and interests of citizens.

The Soviet Constitution ^{is not limited to fixing the formal rights of citizens but places the main emphasis on the protection of these rights and the means for their realization.} ~~shifts the center of gravity to the guaranteeing of these rights to the question of the means of realizing these rights.~~

1/ Stalin, ^{Voprosy Leninizma} ~~(Problems of Leninism)~~, 11th edition, Page 518

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The all-around development of the individual, the growth of his political and economic activity, the development and manifestation of all the abilities and talents of the individual and for these purposes seeing that the rights of citizens of the USSR are realized, are the substance of our governmental administration.

Soviet ^{governmental} state administration is not just "a relationship between the organs giving the orders and the citizens who must obey these orders, that is, it is not the purely police functions of the state".¹

It is impossible to describe the work of the organs of Soviet governmental administration as merely supervisory. Seeing to it that the legal rights and ^{needs} ~~demands~~ of citizens are realized is a main function of Soviet governmental administration. This principle is ^{briefly stated} formulated in Article 125 of the Stalin Constitution where it is said that "in the interests of the workers, and in order to strengthen the socialist system, citizens of the USSR are guaranteed by law: freedom of speech, press, assembly, meetings, and so forth." "The work of Soviet governmental organs", rightly observes Comrade Vyshinsky, "is characterized not by a negative or even formal role, but by a positive, creative, and material role."²

3. The reality of socialist legality is expressed by the fact that exact and unconditional observance of socialist legality is a rule compulsory

^{1/} Vyshinskiy, "The Soviet State During the Patriotic War," *Pravda*, 1944, No 144

^{2/} Ibid

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for all. The Soviet state descends with full force upon violators of this rule. In capitalistic states the organs of administration are only formally under the law, ^{subject to check,} ~~under control,~~ and under the obligation to act on the basis of parliamentary laws. In most bourgeois-democratic countries, ^{the} ~~the~~ organs of administration (and officials) are formally responsible to the parliament. In reality, being entirely dependent upon the all-powerful ^{central executive organ} ~~state,~~ they carry out the laws independently ^{in accordance with the arbitrary judgement of that organ} ~~according to the discretion of the state~~ and they operate without any ^{control} ~~checking~~ on the part of the parliament.

In many bourgeois states parliaments legalize the right of the ^{central} ~~govern-~~ ^{ment,} ~~ment,~~ to issue laws in complete independence of the parliaments, ^{giving the} ~~giving the~~ ^{executive authority} ~~giving the~~ ^{central executive authority} ~~giving the~~ ^{government, extraordinary, powers} ~~government, extraordinary, authority~~. The parliaments decrease the scope and content of the laws enacted by them, establish only the most general principles in them, leaving it to the ^{central executive authority} ~~state,~~ and the organs of administration appointed by the ^{central executive authority} ~~state~~ to develop the laws further and make them more specific.

In fascist states this process has culminated in the complete abolition of the legislative activity of the still formally preserved parliaments or in the abolition of the parliaments themselves. All of the legislative and executive power has been concentrated in the hands of the ^{central executive authority,} ~~state,~~ the direct agency ^{in the hands} ~~of the~~ of the most reactionary, chauvinistic bourgeois circles; of a government which employs terroristic methods of administration and tramples upon the elementary

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rights of the working people.

4. The formal principle of equality of all before the law is proclaimed in bourgeois-democratic countries. In reality, this principle ^{is changed} ~~is converted~~ into the ^{perpetuation} ~~reinforcement~~ of inequality in the political and economic spheres.

Where private property reigns supreme, equality of all before the law is impossible.

Under ^{the} conditions of the bourgeois state the law protects the interests of the bourgeoisie; the reign of the exploiters is maintained with the aid of the law expressing the interests of the capitalists and landowners. The law ^{reflects} ~~mirrors~~ the interests of private property owners and is directed against the poor. "Of course law is sacred to the bourgeois; indeed it is the fruit of his own power and is made with his consent to protect himself and his interests. He well knows that if some one law proves to be harmful for him, legislation in general is directed to the protection of his interests. He knows above all that the sanctity of the law, the inviolability of order established by the active expression of will by one part of society and the passive expression on the part of the other is the firmest prop upon which his social position rests. Furthermore, "The workingman knows only too well and has found out only too often by experience that the law is a ^{device} ~~trick~~ made for him by the bourgeoisie and therefore he has nothing to do with it except when forced to."¹

^{1/} Marx and Engels, Sochineniya (Works), Vol III, Pp 508-509.

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As was indicated above, ~~under the conditions of a~~ ^{in a} capitalist society ~~law is not stable.~~ ^{always the same.} It is broken primarily by the ruling class and its executive apparatus when deemed necessary. The bourgeoisie repudiates the laws

and legality when the conditions of the class struggle require taking measures for the direct suppression of the revolutionary masses. Then begins ^{the period when} ~~a period~~ ^{the executive organs in the Soviet state} ~~of action by extraordinary plenipotentiaries of the executive organs~~ ^{authority and officials assume} ~~and broad~~ ^{personal powers.} ~~discretion for their officials.~~

With the aid of socialist ^{law} ~~law~~ the Soviet state resolves the problems with which it is confronted. ^{which has been} ~~It was~~ and is the means for overcoming the resistance of ^{hostile} ~~hostile~~ and bureaucratic elements to the building and consolidation of ^{new} ~~new~~ social frameworks. Socialist legality has always been looked upon as a means of mobilizing the workers against those who hinder the development and strengthening of new social relationships. This is why the Communist Party and the Soviet government have demanded strict conformity to law at all stages in the building of socialism.

V. I. Lenin teaches us, "to champion legality culturally, without for the moment forgetting the limits of legality in revolution". ¹ Enlarging upon this ^{thesis} ~~idea~~, Comrade Stalin in his report to the Fifteenth Congress of the All-Union Communist Party (Bolsheviks) pointed out that the fight with the kulak

1/ Marx and Engels, Sochineniya (Works), Vol III, Pp 508-509.

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class by measures of economic order on the basis of revolutionary legality^{*}
does not, of course, preclude the use of some necessary administrative measures
against the kulaks. But administrative measures must not replace measures of an
economic ^{nature} order¹.

In ^{these} ~~these~~ ^{briefly stated} ~~formulated~~ ^{fundamental principles} ~~the main idea~~ ^{the} ~~the~~ ^{must be combined} ~~the~~ ^{with the use under}
~~ity of combining~~ ^{That} strict conformance to revolutionary law, certain conditions of extraordinary measures against the enemies of the Soviet
regime.

Exposing the ^{of the Right} ~~rightist~~ capitulators, who denied the necessity for extra-
ordinary measures and ^{unmarking} ~~their~~ bourgeois liberal policy toward the kulak class,
Comrade Stalin showed that in certain situations in the course of history the
application of ^{extraordinary} ~~such~~ measures is necessary, that these measures must be direct-
ed against the enemies of the Soviet state ^{the} ~~the~~ kulak class, and that these
measures are not contrary to revolutionary legality.

The purpose of socialist legality is the safeguarding of the interests
of the working people of the USSR. Extraordinary measures against enemies of
the Soviet state are for this purpose, and therefore, contrasting extraordinary
measures with lawful measures is a gross distortion of fact. Extraordinary
measures "have law as their source and are therefore entirely legal"²

1/ Stenograficheskiy otchet XV s'ezda VKP (b) (Stenographic Report of the
Fifteenth Congress of the All-Union Communist Party) GIZ, 1928, P 60.

2/ Vyshinskiy, Vyshinskiy, Sovetskoye gosudarstvo (The Soviet State), 1939,
No 6, Page 22.

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3. Socialist Planning

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1. The ^{nature} ~~substance~~ of the plan for the national economy and ^{of} ~~the~~ plan assignments. "The economic life of the USSR is determined and directed by the state plan for the national economy in the interest of increasing the social wealth, steadily raising the material and cultural level of the working people, strengthening the independence of the USSR and increasing its defensive ability." (Article 11, Constitution of the USSR) ¹

The national economic plan is a state plan in the form of an act which has compulsory force. In addition to assigning ~~range~~ ^{authority} of authority and imposing definite duties, the plan assignments also fix responsibility for their ^{execution} ~~fulfillment~~. Consequently, plan assignments are legal acts. "The volitional, directive, mobilizational, and purposeful character of the bolshevik economic plan is, according to Lenin, their most important feature." ¹

The work of every organ of state ^{authority} ~~power~~ and ^{governmental} ~~administration~~ is conducted upon the basis of and in fulfillment of the plans and plan assignments. "Our plans are not ^{prognostications} ~~plan-predictions~~ or ~~plan-guesses~~ but plan-directives which ~~are compulsory~~ for the supervising organs". ²

2. Organization of state planning. State planning is carried out by

a single system of planning organs in which there are organs of ^{overall} ~~composite~~ ^{planning} (State Planning Commission)

[Gosplan] of the USSR, State Planning Commissions of the union and autonomous

- 1/ Kuybyshev, Stat'i i rechi (Articles and Speeches) Vol V, 1937, p 445
 Stenograficheskiy otchet XV s"yezda VKP(b)
 2/ (Stenographic Report of the Fifteenth Congress of the All-Union Communist Party), 1928, p 69

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republics, local planning commissions), and branch ^{planning} (government agency planning administrations ^{and} [upravleniya] sections [otdely] groups [gruppy] ^{planning}). The central organ of state planning is the State Planning Commission [Gosplan] of the USSR, a permanent commission of ^{the} Council of Peoples' Commissars of the USSR which works out and presents five-year, annual, and quarterly national economic plans for the consideration of the Council of Peoples' Commissars of the USSR.

The State Planning Commission presents ^{to} the Council of Peoples' Commissars of the USSR ^{its} ~~with their~~ conclusions with regard to the plans drawn up by the peoples' commissariats and other government agencies of the USSR and the union republics. The State Planning Commission is charged with the task of integrating in the plan for the national economy of the USSR, the work of all the various branches of socialist production, ^{integrating the work of the} extracting and processing industries, ^{of} agriculture and industry, ^{and of} transport and ^{It is also} of the national economy, ^{charged with the task of} coordinating the growth of production ^{consumption,} and demand, financing production and providing raw materials for it, seeing to the correct regional placement of plants, ~~stemming from the need~~ to eliminate long-distance ^{haul} ~~and contraindicated hauls~~ ^{over hauling animals or} moving plants closer to the ^{their} sources of raw materials and ~~to the~~ areas where ~~these~~ products are used."

(Sobraniye postanovleniy, [Collection of Decrees] 1938, No. 7, p. 41).

The Gosplan of the USSR has the right to communicate directly with all establishments, enterprises and organizations. It is given the right to demand from peoples' commissariats and other government agencies (and Republican, kray, oblast, rayon, and city planning commissions ^{enjoy similar rights with respect to} from corresponding enterprises and establishments) ^{any} ~~the necessary~~ materials and explanations. ^(which it needs) The state

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planning commissions of autonomous republics and local planning commissions, being organs of the councils of peoples' commissars of the corresponding republics and of local Soviets, are, together with them, parts of a single system of planning organs.

The planning organs of the people's commissariats work directly under the supervision of the peoples' commissars. But they work out their plans on the basis of directives issued by the Gosplan of the USSR. As to the ^{method} ~~system~~ of planning and the ^{schedule for the completion of} ~~periods of time for the fulfillment of~~ plan projects, the ^{planning} organs of the government agencies are guided both by instructions of the peoples' commissars and by the directives of Gosplan.

State planning is characterized by a unified system of rules for drawing up plans. The ^{various} ~~different~~ plans (annual and quarterly, republican and local, branch plans of government ^{agencies} ~~departments~~ and special plans: financing, capital expenditures lists of titles, etc.) are parts of a single national economic plan. All the individual plans must be organically integrated among themselves. Every individual plan is a component part in the single national economic plan or stems from it.

The need for observing the strictest discipline in planning ^{means in itself} ~~determines~~ that there be a special procedure for altering plans. Of course plans undergo change in the process of execution. [↑] "For us, for Bolsheviks,

As comrade Stalin pointed out at the Sixteenth Congress of the All Union Communist Party

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~~For us, for Bolsheviks,~~ the five-year plan is not something final, made once and for all, ~~For~~ the five-year plan, like every other plan, is only a plan adopted as a first approximation which must be made more exact, amended and completed on the basis of local experience, on the basis of the experience of carrying out the plan. ~~Comrade Stalin pointed out at the Sixteenth Congress of the All-Union Communist Party.~~ Only bureaucrats can think that planning is finished with the formulation of the plan. The formulation of the plan is only the beginning of planning. ^{Real} True planning leadership develops only after formulation of the plan, after checking it locally in the process of execution, making corrections in the plan and making it more exact". ^I

Socialist legality, state discipline and the principles of socialist planning do not permit ~~without~~ ^{at will} changing of plans. Only organs having authority to do so can change plans which have been approved. Such a procedure assures state discipline in planning.

The tools for the formulation of the national economic plan and for checking on its fulfillment are accounting and statistics.

"No construction work, governmental work and planning of any kind," said Comrade Stalin, "is conceivable without correct accounting, and accounting is inconceivable without statistics". ²

1/ Stalin, Voprosy leninizma (Problems of Leninism) 10th edition, p.413.

2/ Stenograficheskiy otchet XIII's'yezda VKE (b)
(Stenographic Report of the Thirteenth Congress of the All-Russian Communist Party / Bolsheviks/), 1924, Page 130

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The accounting setup assures a timely check in the USSR ^{on} progress of fulfillment of the national economic plan, assists in the analysis of the data obtained and in the timely adoption of the necessary measures. Accounting data is also used in formulating plans.

National economic accounting is set up as a single centralized system. At the head of this ^{system} is the Central Statistical Administration which is part of the ~~system of the~~ State Planning Commission attached to the Council of People's Commissars of the USSR.

3. Checking on the fulfillment of plan assignments.

V. I. Lenin pointed out the necessity of ^{specific} analysis of the course of fulfillment of plans, the study of facts, figures, and reports, analysis of practical experience, and precise instructions with regard to correcting mistakes. The necessity for very strict observance of plan discipline makes many kinds of checking necessary.

Local organs of state authority check on the fulfillment of territorial and branch plans. It is the function of every higher organ of administration to check on whether plans and plan assignments are being carried out by lower organs. Using financial and credit controls, the People's Commissariat of Finance of the USSR, the State Bank of the USSR and their local organs control the observation of plan discipline by institutions and enterprises. Organs of

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state and government agency-arbitration employ measures to secure and strengthen plan discipline when deciding contr^oversies over property between institutions, enterprises and organizations of the socialized sector.

The duty of directly checking on the fulfillment of the official national economic plans of the USSR belongs to the State Planning Commission (Gosplan) attached to the Council of People's Commissars of the USSR. In order to prevent nonfulfillment of the national economic plan the State Planning Commission of the USSR checks on fulfillment by commissariats, departments and enterprises. Gosplan is given the right to ^{submit to} give the Council of People's Commissars of the USSR for its consideration problems and proposals arising from checks on the fulfillment of the national economic plan.

To carry out this checking operation a corps of authorized agents of the State Planning Commission of the USSR was organized in 1938 to work in the republics, krais, and oblasts checking on the fulfillment of plans for the national economy. These authorized agents are appointed and recalled by the Council of People's Commissars at the instance of the chairman of the State Planning Commission of the USSR. They are directly subordinate to Gosplan of the USSR and work on tasks assigned by Gosplan of the USSR independent of the republican, kray, and oblast planning commissions.

Republican and local planning commissions also verify the fulfillment by establishments and enterprises of ^{official} established plans.

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Violation of plan discipline incurs disciplinary penalties (removal from office, transfer to a lower position or other disciplinary penalty measures) or *subject to* criminal *action* responsibility *prosecution* for arbitrarily lowering plan goals, for disrupting the fulfillment of plans, and so forth).

Any positive initiative, manifestation of activity, or skillful organization of work is carefully considered, extended to other *positive* ~~subjects~~ and encouraged.

The Working People

4. Participation of ~~Workers~~ in Governmental Administration

Spec — In the Soviet state *the mass* many millions *mean of* of workers are drawn into independent participation in the administration of the state.

Lenin taught that millions and millions of workers are raised to a new democracy, to independent participation in *governmental* ~~state~~ administration.

Socialist democracy makes the activity of diverse mass organizations of *the working people* workers possible.

There are numerous ways in which *working* ~~the~~ masses are drawn into *working* ~~governmental~~ state administration. They check and inspect the work of the organs of administration; working in mass organizations they execute specific assignments.

The most numerous mass organizations of *the working people* workers are the Soviets of *Working People's* the ~~Workers'~~ Deputies. Through the Soviets the masses participate in the building of a new state, and in its administration. Commissions and street committees are organized around the Soviets. The Soviets organize meetings of

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voters to discuss the work of individual organs of ^{governmental} state administration.
Every department has mass organizations along its own line of activity, ^{commissions} of assistance for the People's Commissariat of Communal Economy, ^{central} checking posts ^{of} for the People's Commissariat of Trade, and so forth.

Voluntary societies (Gosaviakhim [Society for the Promotion of Defense, and of Aviation, and Chemistry] cultural-technical and scientific societies, etc.) are very important. Operating under the supervision of the proper organs of ^{governmental} state administration, they participate in the resolution of state problems.
Many ^{governmental} state functions are carried out by trade unions (they regulate ^{it} working conditions, ^{protection of} have charge of safeguarding labor, manage ^{the} ~~the funds~~ ^{of} state social insurance ^{funds}).

Organs of ^{governmental} state administration of the USSR are obliged to further the development of mass organizations of ^{the working people} workers in every way. Provision for this is made in Article 126 of the Stalin Constitution ³ in which ~~it is~~ stated that citizens of the USSR are ^{guaranteed} ~~ensured~~ of the right to unite in social organizations.

The legal position of mass labor organizations ^{of the working people} in bourgeois states ^{fundamentally} is different from the position of such organizations in the USSR. As a rule, in the bourgeois state the interests of these organizations are ^{opposed} ~~contrary~~ to the interests of the ruling classes. In bourgeois states, therefore, social organizations of workers are the ^{objects} ~~subject~~ of police surveillance; the police organization keeps check on the activity of social organizations for the purpose of "preserving ^{the governmental} ~~state~~ order and public safety".

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Bourgeois states have the following systems of legal practice with regard to voluntary societies:

1. The prohibitory system, the substance of which is that the state entirely prohibits the existence of certain voluntary organizations. The prohibitory system is in operation in fascist states.

2. The permissive system, the substance of which is that a society may be formed only after obtaining the permission of the ministry of interior or its local organ.

3. The declaratory system under which those ^{wanting} to organize a society are required to inform the appropriate organ of the ministry of interior of the fact. Under the permissive system preliminary permission is required, while under the declaratory system notice of the organization of a society must be given to the ministry of interior or its organ. The ministry of interior or its appropriate organ ^{makes sure that} ~~verifies the formal correctness of the organization of the voluntary society~~ ^{is properly organized.}

4. The registration system under which the new society is only required to register the fact of its formation. The organ registering the formation of new societies th ~~does not formally check on the correctness of the formation of the society~~ ^{as to whether} ~~is properly organized.~~ ^{is properly organized.}

Permissive, declaratory, and registration systems are in operation in bourgeois-democratic states.

In spite of the ^{considerable} ~~substantive~~ differences between these systems the min-

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istry of interior or its local organs keeps a check on the activities of social organizations in every case, employing ^{police surveillance} ~~police inspection~~ in doing so. ^{for this purpose.} ~~1~~

The consequences of ^{this} surveillance are different for bourgeois voluntary societies and for workers' societies. ^{In bourgeois states} ~~Political, in reality police surveillance, which is really police surveillance, of voluntary~~ ^{inspection of workers' societies is usually completed by breaking them up in} ~~societies of~~ ^{working people usually results} ~~bourgeois states. in the dissolution of these societies.~~

In contrast to this, one of the fundamental tasks of ^{governmental} Soviet state organs

is to assist the development and consolidation of voluntary organizations of ^{the working people. At the same time} ~~workers.~~ Furthermore, ~~the~~ Soviet state is not precluded from checking to see that these organizations are operated in complete conformity with their codes of regulations and rules ^{and by-laws.}

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CHAPTER III

THE ORGANS OF SOVIET GOVERNMENTAL ADMINISTRATION

1. The Position of ^{The} Organs of Governmental Administration in the Governmental Apparatus

are called
~~The~~ organs of governmental administration ~~are~~ those establishments which, within the scope of their authority, on the basis of, *the implementation of,* and in carrying out laws and acts of administration which *do not not contradict* ~~are not in conflict with~~ laws, *perform,* ~~carry out,~~ in the name of the state, executive and managerial functions, (accounting, check-*administrative activity,* ing, organization of social relationships, supervision of ~~the work of the appar-~~ *atus of administration,* planning, finance, the appointment and removal of *employees,* ~~workers,~~ etc.).

The system of organs of governmental administration in the USSR is organized in the following way: The Council of People's Commissars of the USSR is the Government of the USSR, which is the highest executive and managerial organ of state authority; the councils of people's commissars of the union and autonomous republics are the governments of the union and autonomous republics; the people's commissariats and their local organs which supervise individual branches of *governmental* ~~state~~ administration; the executive committees of the local Soviets with all their related economic, social-cultural, and administrative-political establishments.

The organs of governmental administration perform only those operations which are directly specified by law or are necessary to carry out the law.

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This does not mean that organs of ^{governmental} ~~state~~ administration, acting on the basis of and in the execution of the law, cannot set up new rules of conduct for citizens, organizations, and establishments (officials). In the process of governmental administration the executive and managerial organs establish rules of conduct but within the framework established by Soviet law. These rules must be based on the law and must secure the execution of the laws.

Organs of governmental administration are accountable to, and are checked upon by, organs of authority ~~[...]~~ (^{sections} ~~offices~~ ^[otdely]), administrations

and executive committees ~~[...]~~ (^{are} ~~upravleniya~~), are accountable to and checked upon by Soviets, ^{and} people's commissariats and independent main administrations are accountable to and checked upon by the councils (of people's commissars) and are given functions of authority ~~[...]~~ ^[funktsii vlasti]. In other words, acts issued by organs of ^{governmental} ~~state~~ administration within the limits of their jurisdiction are compulsory. Every organ of governmental administration acts in the name of the state in carrying out measures of persuasion, accounting, checking, organization, compulsion, and so forth. It is chiefly in this respect that organs of governmental administration differ from social organizations.

Social organizations, without the permission of the appropriate state organ, (for example to trade unions to see to the protection of labor, and the maintenance of technical security, etc.) cannot act in the name of the state.

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Functions performed by social organizations do not have the character of functions of authority: the acts of a social organization are compulsory only for its members.

Within its sphere of authority every organ of ^{governmental} ~~state~~ administration acts independently. Higher organs may not and must not replace lower organs by taking over their functions. The role of the higher organs is the supervision of the lower organs. In supervising, the higher organs, within the limits of the rights given them, approve acts of subordinate organs, nullify the acts or amend the measures of lower organs. But this does not mean that higher organs should take over the functions of the lower organs. Each organ of governmental administration carries out the duties with which it is charged independently, guided by the instructions of the higher organs.

The rights and duties of every organ of governmental administration are accurately defined either directly in the Constitution of the USSR or by appropriate orders, codes of regulations, or special decrees of higher organs.

Carrying out the functions with which it is charged is compulsory for the government organ and ~~does not depend upon~~ ^{is not} the personal ^{option} ~~discretion~~ of its directors.

Thus the organs of governmental administration: 1) act only on the basis of, and in the execution of, laws; 2) are accountable to and checked upon by organs of authority; 3) ^{provide solutions to} ~~resolve~~ state problems only within the limits of their jurisdiction, that is, within the scope of their duties and on the basis of the

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rights given to ^{them} ~~it~~; 4) independently perform the duties with which ~~it is~~ ^{They are} charged, guided by the instructions of higher organs.

During the Great Patriotic War important changes have taken place in the Soviet governmental apparatus: new governmental organs have been created; the military authorities in localities where martial law has been declared have been given new rights; the ^{sphere of authority} ~~jurisdiction~~ of civil and military authorities has been considerably extended. At the beginning of the war on June 30 1941, "in view of the extraordinary circumstances and for the purpose of rapidly mobilizing the full strength of the peoples of the USSR to repulse the enemy who treacherously attacked our native land," a resolution was enacted by the Presidium of the Supreme Soviet of the USSR, the Central Committee of the All-Union Communist Party, and the Council of People's Commissars of the USSR creating The State Committee on Defense (Gosudarstvenniy Komitet Oborony) under the chairmanship of Comrade Stalin. ~~9.1.41~~ The full authority of the state was concentrated in the hands of the State Committee on Defense. Every citizen and every Party, Soviet, Young Communist and military organization is required to execute, unconditionally, resolutions and orders of the State Committee on Defense.

Important changes have taken place in the composition of the people's commissariats and the organs attached to the councils of people's commissars. New people's commissariats of the tank industry and of mortars have been formed. Centrally, attached to the Council of People's Commissars of the USSR, new organs

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have been created. (The Commission for ^{Records} Keeping ~~Track~~ of and Distributing Manpower, and others). Similar organs have been attached to the councils of people's commissars of the union republics, ^{and to} Oblasts (krays), and city and rayon executive committees.

The people's commissariats formed special organs for servicing the army in the field -- the field post offices of the People's Commissariat of Communications of the USSR, the authorized agents of the People's Commissariat of Agricultural Procurement (Zagotovok) of the USSR, and the field offices of the State Bank of the USSR. The evacuation hospitals were transferred to the People's Commissariat of Health of the USSR.

In localities under martial law all functions of the organs of state authority in regard to defense and the preservation of order and state security are the duty of the ^{military soviets} Soviets of the fronts, armies, and military districts and where there are no military Soviets, of the high command of troop units (soyedineniyy).

Military authorities are given the right to compel citizens to perform labor, duty, require them to provide quarters for military personnel, to take over means of transport and other property necessary for defense, to prohibit entry and exit, to ^{evacuate} ~~send away~~, by administrative procedure, persons considered socially dangerous, to issue decrees compulsory for the whole population, establishing penalties for noncompliance with such decrees in the form of deprivation of freedom for up to six months, or a fine of up to three thousand rubles, to issue orders to local organs of authority, government ^{establishments,} ~~offices~~, and social institutions

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and organizations, and to require from them unconditional and immediate compliance.

The scope of authority of the military organs of the army in the field has been broadened considerably. Thus, for example, the military soviets ^{at} of the fronts (or of individual armies) may nullify a conviction of a soldier who has distinguished himself in battle with the German invaders. The conviction is nullified in the name of the Presidium of the Supreme Soviet of the USSR and is subsequently confirmed by it. Military councils of fronts and ~~of~~ ^{of} armies are given the right to award successive military ranks up to and including the rank of ~~major~~ ^{major}. Military organs have the right to award orders and medals in the name of the Presidium of the Supreme Soviet of the USSR to soldiers and officers who have distinguished themselves at the front fighting the German invaders. Thus, for example, the commander of a front is given the right to award soldiers and ^{officers} ~~commanders~~ (up to and including regimental commander) orders of the Red Banner; of Suvorov, Third Class; of Aleksandr Nevskiy; of the Patriotic War, First and Second Class; of the Red Star, and with the medals "For Valor" ("Za otvagu") and "For Distinction in Combat" ("Za boyevye zaslugi"). ^{to give} ~~boevyye zaslugi~~ Commanders of divisions and brigades have the right to award enlisted and commissioned personnel (up to and including company commander) the order of the Red Star and the medals "For Valor" and "For Distinction in Combat".

^{It is the duty of} ~~Local military institutions have the duty of giving~~ ^{to give} military training to citizens of the USSR.

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The scope of authority of organs of civil administration has also been broadened. Oblast (krai) executive committees and people's commissariats of autonomous republics, and in the cities, the city executive committees, are charged with ~~the duty of~~ organizing local anti-aircraft defense, and particularly with the conduct of universal compulsory ~~training~~^{for} ~~and~~ defense against air and chemical attack.

Directors of industrial enterprises, transport, agriculture, and trade have received the right to require, with authorization from the Council of People's Commissars of the USSR, compulsory overtime work ^{of} ~~from~~ one to three hours per day.

Local organs of authority are given the right to mobilize the able-bodied urban population for work in production and construction in the towns where they live.

Councils of people's commissars of union and autonomous republics and oblast and krai executive committees may, by compulsory procedure, transfer workers and office workers who have been released in connection with a reduction in force, to work in other establishments, enterprises, and construction projects, regardless of the government agency ^{the latter} ~~they~~ are under or their location.

Oblast and krai executive committees are given the right to require labor duty, for the purpose of harvesting crops, of the ^{entire} ~~whole~~ able-bodied rural population and also of the urban population, if it ^{will not be injurious} ~~does not do injury~~ to the work of governmental ^{state} ~~state~~ establishments and enterprises.

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In order to ensure that operational problems connected with carrying out, under wartime conditions, tasks entrusted to people's commissariats are dealt with promptly, the rights of people's commissars of the USSR and of the union republics have been ^{increased.} ~~broadened.~~ In particular ^{a people's commissar} ~~they~~ may independently allocate and reallocate the material resources of the people's commissariat, including surplus materials and equipment, ^{among} ~~between~~ individual enterprises in accordance with ^{the latter's} ~~progress~~ in fulfilling ^{their} ~~the~~ plans and ^{in accordance with} ~~the inflow of materials~~ ^{the allocations provided for in the budget of} according to the funds allocated to the people's commissariat. People's commissars of the USSR are given the right to permit departures from established draft plans and building estimates and permit plants under construction and separate units of such plants to be put into operation without waiting for a decree of the Government of the USSR, etc.

2. Types of Organs of Soviet Governmental Administration

Organs of governmental administration in the USSR are classified according to: a) ^{way in which created} ~~procedure of formation~~, b) method of administration, c) territorial jurisdiction. d) the subject matter within their competence e) ^{nature} ~~character~~ of ^{the} ~~subordinate~~ branches of governmental administration, f) ^{which are under them} ~~source of~~ ^{funds} ~~financing~~ and method of distributing property.

With regard to ^{way of creation} ~~procedure~~ organs of governmental administration are divided into those which are named in the Constitution and those which are not named in the Constitution but which are set up by decrees of authorized

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organs.

The Constitution of the USSR and the constitutions of the union and autonomous republics list organs of the first group -- councils of people's commissars, people's commissariats, planning commissions, committees attached to the Council of People's Commissars of the USSR (Committee for Art, Committee for Higher Education), administrations attached to the councils of people's commissars of the union republics (for example, Administration for Art), executive committees of local Soviets, and ^{sections} ~~offices~~ and administrations of local Soviets.

The ^{spheres} ~~scope~~ of authority of these organs is defined in a general way in the Stalin Constitution. Their ^{spheres} ~~scope~~ of authority is defined in detail in appropriate statutes of the councils of people's commissars.

The second group of administrative organs includes main administrations, committees, councils, and commissions created by the Council of People's Commissars of the USSR by virtue of paragraph "f", Article 68, which gives the Council of People's Commissars of the USSR the right to set up, when necessary, special committees and main administration on ^{the development of} ~~building~~ the economy, ~~developing~~ culture, and defense. The following are some of the organs attached to the Council of People's Commissars which are not listed in the Constitution of the USSR: independent administrations (of the Civil Air Fleet, of the Northern Sea Route, Military Construction [vovanno-stroitel'noye], Resettlement [pereselencheskoye] of the Sulfite Alcohol and Hydrolysis Industry [sul'fitno-spirovoy i gidroliznoy]

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promyshlennosti, of Forest Preservation and Reforestation [lesookhrany i lesosasa
lesonasazhdeniy], of the Hydrometeorological Service [gidrometeorologicheskoy
sluzhby], of Geodesy and Cartography [gaodezii i kartografii], of Labor Reserves
[trudovlykh rezervov], of State Reserves [gosudarstvennykh rezervov], and oth-
 ers; committees (for the Establishment of Radio Communications Facilities and
 Radio Broadcasting [po delam radiofikatsii i radioveshchaniya]), of Standards
[standartov], for Architectural Affairs [po delam arkhitektury], for Measuring
 and Measuring Instruments [po delam mer i izmeritel'nykh priborov], for Geologi-
 cal Matters [po delam geologii], for Physical Culture and Sport [po delam fizkul'
fizkultury i sporta], for Motion Picture Affairs [po delam kinematografii], and others),
 the State Arbitration Commission [Gosudarstvennyy arbitrazh], and the Telegraph
 Agency of the USSR [Telegrafnoye agentstvo SSSR].

The same right to form special committees and main administrations
 is given to the republican councils of people's commissars, which may, when
 necessary, create their own special committees and main administrations for mat-
 ters having to do with building the economy and developing culture.

Among the establishments created by decree of authorized organs there
 are also economic and social-cultural establishments created by appropriate
 councils of people's commissars, by people's commissariats, or their local or-
 gans, and by local Soviets and their executive committees. The scope of author-
 ity of these establishments is defined by the organs which create them.

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With regard to method of administration, there are ^{committee} ~~collegial~~ and one-man organs of administration. ^{Committee} ~~Collegial~~ organs include the Council of People's Commissars of the USSR, the councils of people's commissars of the union and autonomous republics and the executive committees of the local Soviets. In ~~collegial~~ ^{committee} ~~collegial~~ organs problems are resolved by the collegium, which consists of a chairman, deputy chairman, and members, while in the executive committees of local Soviets there is also a secretary.

In the second group of organs, and this includes the people's commissariats which have collegia, problems are decided individually by the director of the organ in question. The collegia of people's commissariats are not contrary to the principle of one-man ^{direction} ~~supervision~~ their duties include the consideration of matters relating to practical supervision, selection of personnel, checking on execution, and so forth. The decision of the collegium however, acquires force only upon the consent of the people's commissar and is put into effect in the form of his order.

Thus, the collegia of the people's commissariats ^{committee} ~~insure collegial~~ discussion of problems and their presence is not in the least contrary to the principle of one-man-direction and one-man responsibility of people's commissars.

~~With regard to territorial jurisdiction,~~ ^{governmental} Organs of state administration depending on the territory in which they operate are divided into local and central organs. Local organs operate within the territory of a kray, oblast, autonomous oblast, okrug, rayon, city or village

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(for example, oblfo [oblast financial office], rayono [rayon department of education] gorsobes [city social security], etc). The territorial jurisdiction of local organs (for example of a rayon department of health) coincides with the territory of such an administrative-territorial unit as a rayon. Such organs are called territorial. But it is possible to have, especially in the economic apparatus, interterritorial local organs ^{whose zones of} ~~under the jurisdiction of~~ ^{operations include} ~~which are~~ the territories of several rayons, okrugs or oblasts. Local organs of the People's Commissariat of Transportation, (railroad administrations), for example, operate on the territory of several administrative-territorial units.

Depending upon the territory in which they operate, central organs of governmental administration can be divided into two groups: a) organs of the USSR (for example, the People's Commissariat of the Heavy Machine-Building Industry of the USSR, the People's Commissariat of Agriculture of the USSR) and b) republican organs of a union or autonomous republic (for example, the People's Commissariat of Local Industry of the Ukrainian SSR or the People's Commissariat of Education of the Tatar ASSR).

From this point of view there are : 1) organs of administration in the field of strengthening the defensive power of the USSR, safeguarding its political and economic independence, defending it against attack from without and strengthening state security and public order -- These are the organs which form the so-called administrative- political apparatus; 2) organs of economic administration which form the economic apparatus and which include trusts, combines.

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Local organs are subordinate to the central organs, which ~~control~~ ^{activity.} ~~super~~ ^{activity.} ~~use~~ the scope of their ~~operations~~. Local organs are required to carry out the orders of the central organs to which they are subordinate.

In the Soviet state there is no opposition of ~~the center to the localities~~ ^{the central organs to local organs}. In relations with local organs the central organs act according to the Soviet principle of decentralization of operative functions and centralization of planning and leadership on fundamental questions. They do not supplant local organs ~~and~~ ^{the latter} ~~they do not deprive them~~ of their independence in carrying out the tasks assigned to them.

The powers of central and local organs of governmental administration are, so to speak, territorially limited: these organs carry out the functions with which they have been charged and make use of the rights given to them only within the territory in which they have jurisdiction.

From the point of view of competence, i.e., the sphere of ^{activity} ~~jurisdiction~~ and scope of rights, organs of governmental administration are either general or special.

The General organs of governmental administration, which include the Council of People's Commissars of the USSR, the councils of people's commissars of the union and autonomous republics and the executive committees of the local Soviets, are created for the purpose of guiding, within the limits of their territory, all political, social-cultural, and economic life. They operate in all branches of governmental administration.

Special organs of governmental administration, such as people's commissariats, main administrations, and committees attached to councils of people's commissars, and ~~sections~~ ^{and sections} and administrations of executive committees of local Soviets are created ~~for the purpose of guiding~~ ^{to direct} corresponding branches of ^{governmental} ~~state~~ administration (industry, agriculture, commerce, finance, etc.) or for the purpose of carrying out certain functions common to the whole state apparatus (~~for state planning~~, the State Planning Commission attached to the Council of People's Commissars of the USSR and the state planning commissions attached to the councils of people's commissars of the union and autonomous republics ^{we were created to direct state planning;} ~~for state control~~, the people's commissariats of state control ^{were created to direct state checking.}

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Special organs of governmental administration are also classified according to the nature of the branches of governmental administration which are ^{under} ~~subordinate to~~ them. From this point of view there are: 1) organs of administration in the field of strengthening the defensive power of the USSR, safeguarding its political and economic independence, defending it against attack from without and strengthening state security and public order--~~These are the organs~~ which form the so-called administrative-political apparatus, ^{and} 2) organs of economic administration, which form the economic apparatus and which include trusts, combines.

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economic people's commissariats, and administrations of enterprises; and 3) organs of administration in the field of social and cultural development.

Finally, special organs of administration are divided up according to the source of their financial support and method of distributing property.

From this point of view organs are divided into ^{organs [byudzhetnyye]} budget and ~~self-supporting~~ ^{operated on the principle of self-support} ~~[khozraschetnyye]~~ ^[khozraschetnyye] organs.

Budget establishments are those which are not directly connected with the production or distribution of material goods or with the rendering of services or compensation. People's commissariats, executive committees of Soviets and their ^{sections} ~~offices~~ and administrations are ^{on} ~~in~~ the budget. The incomes and expenditures of budgetary governmental establishments are determined by higher organs and by the appropriate financial organs under the system of approving estimated ^{expenses} ~~expenses~~.

The directors of budgetary governmental establishments have the right to negotiate only those transactions which are necessary for executing the tasks assigned to them (repair of the buildings in which they are located, purchase of domestic supplies and stationery, etc.).

With regard to source of financial support, governmental organs are separated ^{according to source of financial support} into those which are ^{on} ~~in~~ the budgets of local Soviets, ^{on} ~~in~~ the republican budget, and ^{on} ~~in~~ the all-union budget. Thus, for example, state institutions in the field of social and cultural development (hospitals, schools and the apparatus for administering them), as a rule, are ^{on} ~~in~~ the local budget. People's

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commissariats of union republics and committees attached to the councils of people's commissars of union republics are financed from republican budgets. People's commissariats of the USSR, independent main administrations and committees attached ^{to} the Council of People's Commissars of the USSR are on the all-union budget.

When creating a governmental organ, the Government of the USSR or other authorized organ usually determines the source of its financial support. The situation is different with ^{state} governmental organs which are ^{operated on the principle of} self-supporting. To this group belong organs of economic administration, trusts,

combines, and so forth. ^{Government} State organs for administering the Socialist economy are usually self-supporting. ^{operated on the principle of} Operation on the principle of self-support consists of the ~~property and operational independence of the~~ organ, ^{having its own property, operating independently,} taking care of its ^{own} material welfare, and responsibility for fulfilling being responsible for fulfilling the plan assignment (control by the ruble). ^{operating on the principle of self-support} Self-supporting organs have, in addition to their ^{fixed} ~~basic~~ capital, their own

working capital for independently carrying out the tasks assigned to them within the limits of the plans established for them. ^{are independent with respect to} Certain economic organs that are not part of trusts ~~have property, independence,~~ other economic organs possess own property, ^{the organs} which is part of the trust property to the extent that ~~they are~~ component parts of the trust. But in both cases, according to Article 19 of the Civil Code of the RSFSR, "state enterprises and their amalgamations which are ^{operated on the principle of} self-

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supporting and are not financed under the estimate ^{expenses} system engage in commerce as ~~independent persons~~ ^{which are independent and not connected with the treasury} ~~are not treasury~~ juridical persons. Only ^{production capital [laborate]} property at their free disposal, i. e., not taken from circulation can be taken to answer for their debts". From this, it follows that the state is not responsible for the debts of the government organ which is ^{operated on the principle of} self-supporting; similarly, ^{are not} ~~the trusts and the enterprises~~ ^{liable} do not bear material responsibility for the debts of the ^{government} ~~state~~ organs which supervise their operations.

The director of an ^{operated on the principle of self-support} ~~self-supporting~~ organ may, within the limits of the rights given to him and on the basis of the state plan, independently conclude contracts and agreements, paying, in case of nonfulfillment, from the working capital of the organ ^{he directs,} ~~under him~~. In peacetime, he was given the right to distribute freely the 50% of above-plan profits composing the director's fund; in addition, 4% ^{plan} of profits were at the disposal of the director of a self-supporting organ for construction of housing, social-cultural measures, for innovations, etc.

The self-supporting organ ^{operated on the principle of self-support} is required to carry out state plan assignments, the decrees and orders of the Council of People's Commissars, and the orders and instructions of the various people's commissars, etc.

The higher organs to which ^{operated on the self-support principle} ~~the self-supporting organs~~ are subordinate and also the People's commissariat of state Control, ~~the~~ organs of the State Planning Commission, ^{by organs, operated on the self-support principle} and financial and credit organs, check on the fulfillment of the latter's ^{the latter's} their respective directives and acts of governmental administration, by the self-

Thus, operation on the self-support principle ~~supporting organ~~. Consequently, self-support is merely a special method of administering the economy which ensures the execution of plan assignments on

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independence in property
 the basis of ^a strictly defined ~~property and operational independence of the~~
~~and operations of the self-support~~
~~self-supporting~~ organ within the limits of the approved plans and the rules of
 management laid down by the higher organs. 1. 37

A special place in the system of ^{self-support} ~~self-supporting~~ organs is occupied by
 main administrations of industrial people's commissariats. In addition to
 their productive functions, main administrations (*glavki*) manage marketing and ~~and~~
 supply. In ~~this~~ connection ^{with this} they are given the right to conclude contracts with
 regard to marketing and supply, to have their own working capital, to use bank
 credit in carrying out ~~the~~ marketing and supply functions and to have checking
 and clearing accounts in banks. These main administrations also have the right
 to authorize banks to deduct sums from the clearing accounts of enterprises and
 economic organs subordinate to them (the main administrations), but only for
 the purpose of redistributing working capital, profits, amortization deductions
~~or~~ ^{for paying off} ~~and, with the approval of the people's commissar, to pay off the debts of their sub~~
 subordinate enterprises and self-supporting organs to the latter's suppliers and
 banks.

3. Procedure for Creating Government Establishments and for

Terminating Their Operation

Government establishments are formed and liquidated according to
 authorized procedure. ^{governmental} ~~State budgetary~~ ^{establishments} ~~institutions~~ are formed either in ac-
 cordance with the Constitution of The USSR, and

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the constitutions of the union and autonomous republics or in accordance with a special decree of an authorized organ. The organs of governmental administration which are formed in accordance with the Constitution are those which are listed in its text (people's commissariats, committees and commissions, and executive and managerial organs of local Soviets). Organs of governmental administration are created on the basis of ukases of the Presidium of the Supreme Soviet of the USSR either in connection with the subdivision or formation of new people's commissariats, or in connection with the formation of a new administrative-territorial unit (oblast, kray, okrug, rayon, or city). Councils of people's commissars of the USSR and of union and autonomous republics authorize the creation of ^{all-union or republican} organs of special administration of all-union or republican importance, and in some cases, of organs of local importance. ^{State} ~~State~~ ^{governmental} ~~governmental~~ budgetary establishments of local importance which are not mentioned in constitutions or the creation of which is not provided for in acts of higher organs can be formed on the authorization of local organs of ^{state} authority.

Similar authorized procedure is established in connection with the termination of the operation of these organs and for changing their organizational setup.

Organs of governmental administration operating on ^{the principle of} ~~a self-supporting~~ ^{self-support} basis can also only be formed according to authorized procedure. The merger, annexation, subdivision, or liquidation of economic organs, and also the removal of individual enterprises from these organs, ^{is permitted} ~~with regard to organizations of~~ ^{directly under} ~~authorities,~~ ^{authorities,} union ~~subordination~~ ^{is permitted} only with authorization from the Council of

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and with regard to ^{directly subordinate to republican authorities}
 People's Commissars of the USSR, of organizations ^{of republican subordination},
 only ^{of} with authorization from the council of people's commissars of the union or
^{concerned} autonomous republics, with regard to organizations of local importance, the
^{matter} ~~question~~ is decided by the appropriate local executive committee.

Permissive procedure has also been established for opening branches
 (divisions, ^{representations} departments) (otdeleniya), offices (kontory), agencies (agentstva), authorized
 agents and other ~~representatives~~ of economic organs. Permission is given by the
 appropriate organ of general or special administration, all-union, republican or
 local.

An organ of all-union importance has the right to open a branch or
 representation with the permission of the people's commissar of the ^{corresponding} appropriate
 commissariat of the USSR. An economic organ subordinate to a union-republican
 people's commissariat of a union republic must get the permission of the appro-
 priate people's commissar of the USSR in order to open a branch or representation
 on the territory of another union republic. An organ of republican or local
 importance may open a branch or representation on the territory of that union
 republic only with the permission of the council of people's commissars of the
 union republic. In order to open a branch or representation of a republican
 commissariat on the territory of another union republic the preliminary consent
 of the council of people's commissars of ^{both} that republic and the council of people's
 commissars of the republic in whose territory the branch or representation is
^{concerned} to be opened is required.

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An authorized organ or official can, in case of necessity, authorize the opening of a branch or representation within the limits of the ^{quota of} ~~staff con-~~ ^{personnel} ~~tingent~~ (see section 4 of this chapter) established for the economic organization in question. Local financial organs register branches and representations upon presentation by the latter of a copy of the order of the appropriate organ and the approved table of organization ^T(see Section 4 of this chapter).

In contrast to budget establishments, economic organizations are required to register at organs of the Central Statistical Administration and of the People's Commissariat of Finance. All industrial enterprises (state, cooperative and social organizations), ^{those being newly created,} both those already in existence and ~~new ones,~~ ^{at} register ~~in~~ ^{at} accounting organs. All changes connected with the transfer of an enterprise from one government agency to another are registered within a ten-day period ~~in~~ ^{at} these same organs.

~~The~~ ^F financial organs also register state enterprises and their amalgamations, branches, and representations. The purpose of registration is to keep a record of enterprises and organizations engaged in operational economic activity on the territory of the USSR" (Sobranie zakonov [Collection of Laws] 1931, No. 8, article 99).

Economic organizations the regulations of which are approved by central organs of the USSR register ~~in~~ ^{at} the People's Commissariat of Finance of the USSR.

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Those organizations whose regulations are approved by republican organs are registered ^{at} in the people's commissariats of finance of the union republics. Enterprises, branches, and representations of economic organizations register ^{at} local financial organs. State registration is of great importance as is stated in the resolution of the Council of People's Commissars of the USSR of February 9, 1931 (Sobraniye zakonov [Collection of Laws] ^{article} 99) "the legal existence of juridical persons ¹ stems from the moment of their registration unless it is otherwise provided for in special laws."

Conformity on the part of branches and representations ^{to} with regulations on state registration is assured by the following measures:

a) The state bank and its organs do not have the right to open checking accounts ^{for} or give out any money whatsoever ^{to} or to perform credit or clearing operations ^{for} with branches and representations that have not presented copies of the registration cards of the financial organs; b) State and cooperative organizations are forbidden to enter into contracts or to transact any business whatsoever with branches or representations not formed according to the established procedure.

In contrast to the liquidation of ^{governmental} state budgetary establishments, the liquidation of ^{economic} organizations of the economy is conducted by special procedure.

1 / According to Article 13 of the Civil Code of the RSFSR "by juridical persons are meant establishments, organizations, or associations of individuals, which can, as such, acquire rights with regard to property, can contract obligations, which have recourse to the courts, and which may be called to account in the courts, ¹ acquire rights with regard to property

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^{governmental}
State Budgetary establishments are liquidated directly by their superior organs.

^{economic}
No 9 The liquidation of an organization ~~of the economy~~ is carried out by a special liquidation commission created for this purpose, the general supervision of which commission is the duty of the financial division of the higher organ. Orders and decrees of the authorized organs concerning liquidation of an ^{economic} organization ~~of the economy~~ and the formation of a liquidation commission must have the preliminary consent of the financial organs with regard to liquidation dates and representation of the financial organ in the liquidation commission.

^{economic} ^{being liquidated}
The government agency the ~~liquidated~~ organization ~~of the economy~~ is under is categorically forbidden to take over any of the assets from the liquidating commission apart from acknowledged creditor claims. The assets of the economic organ being liquidated remaining after satisfying legitimate creditor claims must be surrendered to the appropriate budget.

Special and regular checking for compliance with these regulations is the duty of people's commissariats and comparable establishments. The financial ^{exercise control over} organs ~~check~~ the liquidation commissions ^{through} in general inspection procedure.

4. The Organization and ^{Personnel} ~~Staffs~~ of Governmental Establishments

1. The correct organization of a governmental organ is of great importance for the organization of ^{concrete,} ~~specific,~~ operational, and differentiated ^{super-} leadership. ~~The functional and~~
^{vision} There are two systems of organizing the apparatus.

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the production-territorial or production-branch.

The Seventeenth Congress of the All-Union Communist Party (Bolsheviks) discussed the functional system of organizing the governmental apparatus and proposed reorganizing it on ^{production-branch} ~~productive~~ ^{production-territorial} ~~territorial~~ lines.

Essentially what is the functional system and why is it unsatisfactory?

The following happens when the apparatus is organized according to this system: 1) All like functions of administration are ^{placed} ~~put~~ into certain ^{structural} subdivisions of the organization so that these functions are not duplicated in any other parts of the ^{structure;} ~~organization;~~ 2) thus, the supervision of the periphery ^{organs which are not central organs} ~~is~~ broken down into various separate elements (maintaining records, checking, planning, organization, direction, supply, etc.) and these elements are ^{divided} ~~scattered~~ among ^{structural} ~~independent~~ subdivisions of the organization. 3) as a result of ^{the} ~~the~~ periphery organs are directed by every ^{each} ~~its~~ separate ^{periphery} ~~each~~ independent organization subdivision, carrying out ^{defined} ~~defined~~ functions, ^{there being no} ~~gives instructions~~ and this results in ^{the absence of a single organization} ~~the absence of a single organization~~ ^{structural} ~~structural~~ subdivision responsible for the state of the work of the periphery organs as a whole, in the disappearance of individual responsibility, ~~and~~ in artificial delays, and even in bureaucratic red tape in dealing with problems. Consequently, ^{central organ's} ~~the~~ ⁱⁿ ~~structural~~ subdivision, of the central organ, operating on the territory of the whole state, is not in a condition to encompass completely the branches of the economy or the administrations under it.

All of this ^{was} ~~clearly~~ ^{contradictory to} ~~contradicted~~ the task of strengthening ^{concrete,} ~~specific~~

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operational, and differential ^{red} leadership and consequently the functional system of organizing the governmental apparatus ^{proved} ~~turned out~~ to be completely unsatisfactory.

The Seventeenth Congress of the All-Union Communist Party (Bolsheviks) recognized that the only correct system is the production-branch or production-territorial system, under which every independent structural subdivision (main administration, administration ^{section} ~~office~~) manages a ^{certain} definite branch of the economy or of administration as a whole and is responsible for the state of its subordinate organs as a whole. ^{Problems} ~~Questions~~ arising in periphery organs are decided within the ~~given~~ production-branch or production-territorial structural subdivision ^{concerned}. Under this system the ~~residual~~ ^{remaining} functional parts of the apparatus (groups and administrations of accounting, planning, and so forth) are deprived of the right to deal independently with periphery organs. The latter work through production-branch administrations ^(or sections) ~~offices~~. ^{This assures} ~~as a result of which~~ unified direction of lower organs ~~is assured~~.

2. Tables of Organization, wage funds and ^{official} position salaries. The Government of the USSR has established a ^{firm} ~~rigid~~ procedure with regard to tables of organization, wage funds, and ^{official} ~~position~~ salaries. This procedure ensures a continuous lowering ⁱⁿ ~~of~~ administrative-managerial expenditures. Economy in administration is an inseparable part of the struggle to accumulate reserves and

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utilize them in the best possible manner. For the purpose of regulating table of organization matters and organizing a permanent check on observation by all institutions, economic organs, enterprises, and organizations, of the established tables of organization, a Commission for Tables of Organization attached to the Council of People's Commissars of the USSR was formed at the center. This commission approves tables of organizations, ^{personnel quotas,} ~~staff contingents,~~ and ^{model} ~~types of~~ ^{staffs.}

A table of organization (~~entataevye recheniya~~) is a list of positions established for a certain organ of governmental administration. The Commission ^{Tables of Organization} on ~~Staffs~~ attached to the Council of People's Commissars of the USSR sets up tables of organizations ^{for} ~~only~~ for central administrative organizations, ^{the} ~~also~~ for all-commissariats and other central establishments of the USSR, and ^{central organs} ~~union centers~~ of cooperative and social organizations.

The total number of workers of the administrative apparatus of a given government agency ^{is its personnel quota} ~~called the staff contingent~~ ^{Tables of Organization}. The Commission on ^{personnel quotas} ~~Staffs~~ attached to the Council of People's Commissars approves the ~~staff contingents~~ for the administrative apparatus of economic organs, enterprises, and social-cultural institutions and also for local organs ^{directly under union authorities} ~~under all-union jurisdiction~~ (boards of inspection, authorized agents, etc.) for each government agency of the USSR as a whole and for republican and local organs of the union-republican commissariats.

In addition, the Commission approves the ^{model} ~~types of staffs~~ of the administrative apparatus of state farms, machine-tractor stations, ^{branch} ~~banks~~, and other

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organizations.

Within the limits of the approved ^{personnel quotas,} ~~staff-contingent~~, the people's commissar or director of a central establishment of the USSR approves the table of organization of each of his subordinate-local organs ^{directly under} ~~under the union~~ ^{authorities, and of each} ~~jurisdiction,~~ social-cultural institutions, ~~and~~ trusts and enterprises directly subordinate to ~~the~~ ^{his} people's commissariat or central establishment. ~~For every~~ ^{Personnel quotas} trust and combine ~~staff-contingents~~ are approved for the administrative organs of ^{all} the enterprises ^{in each} ~~comprising the~~ trust or combine. The director of the ^{trust} ~~latter~~ ^{or combine} ~~sets up, within the~~ ^{personnel quotas,} ~~staff-contingent,~~ a table of organization for each enterprise under him.

A similar procedure has been established for approving tables of organizations and ^{personnel quotas} ~~staff-contingents~~ of union-republican people's commissariats ^{and} ~~and~~ administrations of union republics, and ^{of} local organs of ^{these} ~~the above~~ government agencies. ^{table of organization} The immediate work in this field is performed by ~~staff~~ ^{commissions} attached to the people's commissariats of finance of the union republics.

Tables of organization of ^{establishments} ~~institutions~~ financed from the rayon budget ^{are} approved by kray ^{or} (oblast) executive committees, and tables of organization of establishments financed from village budgets are approved by rayon executive committees.

For each position in the table of organization a certain rate of pay or ^{official} ~~position~~ salary (dolzhnostnyy oklad) is established.

"Personal" salaries ^(dolzhnostnyy oklad) ~~(dolzhnostnyy oklad)~~ may be established for especially

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valuable specialists and experts in responsible positions who have displayed particular initiative and ability in their work. A personal salary is paid only to the person for whom it was approved and only while the individual holds the given position. The right to authorize "personal" salaries is given to people's commissars of the USSR in the case of establishments, enterprises, and organizations ^{directly subordinate to} ~~under all-union jurisdiction~~ ^{authorities} and to councils of people's commissars of union republics in the case of establishments, enterprises, and organizations ^{directly subordinate to} ~~under republican and local jurisdiction~~ ^{authorities}. The Council of People's Commissars of the USSR determines the number of persons to whom personal salaries may be awarded for each people's commissariat and central establishment and for every union republic.

The wage fund of the administrative-managerial apparatus is determined in accordance with the table of organization and the rates of pay. The Council of People's Commissars of the USSR approves the maximum wage funds for every people's commissariat and other government agencies of the USSR. ^{Firm} ~~set~~ wage funds are established for each all-union establishment and enterprise by the appropriate people's commissariat. In union republics these funds are established for the republican and local economy by the councils of people's commissars of the union republics. Kray and oblast executive committees establish ^{firm} ~~set~~ wage funds for the establishments under ^{them} ~~their jurisdiction~~ within the limits approved by the

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council of people's commissars of the union republics.

Violation of table of organization discipline and ~~also~~ exceeding wage funds and salary levels are criminal offenses.

Observance of these regulations is ensured: by checking by the financial organs upon the establishments' compliance with tables of organization and salary levels; by cutting off the credits of establishments and enterprises that are not complying with the tables of organization and salary levels established for them, and by compulsory registration in the financial organs of tables of organization ^{and} salary rates for employees.

The bank ^{issues the} ~~gives out~~ money to pay wages to establishment employees only upon presentation of registration cards for tables of organization with the proper stamp of the financial organ. In the process of registration the financial organs verify that the respective tables of organization and rates of pay are the approved ~~as~~ tables of organization and rates of pay.

In peacetime directors of those institutions which effected ^{economies} ~~economy~~ ^{by operating with staffs smaller than those} ~~the result of reduction in the staffs authorized for them were left for employee~~ ^{authorized for them retained, for their use for employee bonuses,} ~~bonuses~~, 50% of the savings on the ^{appropriations} ~~estimates~~ approved for the previous quarter.

By strict regulation of the wage funds, by establishing ^{firm} ~~rigid~~ tables of organization ^{and} salary levels and by regular checking on the observance of discipline in this field, there has been a systematic reduction in the relative size of administrative-managerial expenditures, of which the wage fund makes up the major portion. This is apparent from the data for several years presented here (see table 1).

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Table 1

Years			
1924/25	1928/29	1933	1939
In percentages of the annual budget of the USSR			
12.2	6.5	4.5	4.1

The reduction of the relative size of administrative-managerial expenditures in the USSR ~~graphically confirms~~ ^{fulfills} the brilliant prediction of Marx, confirming that in a socialist society the share of expenses of administration not related to production, " ^{will} be considerably reduced at once in comparison with contemporary society and will become smaller and smaller as the new society develops". ¹

CHAPTER IV

SOVIET GOVERNMENT SERVICE

1. The Role and Importance of Soviet Governmental Apparatus Personnel

Space

The training, refresher training, selection, records ~~of~~, and assignment of personnel have always been ~~the~~ key factors in the strengthening of the Soviet governmental apparatus. They have retained this importance to the present time.

^(Sochinyaya)
1/ Marx and Engels ^(Works), Vol. XV, Page 273

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The problem of personnel in the Soviet apparatus was particularly sharply brought to focus after the exposure of wrecking organizations (the Shakhtinskiy trial and others). The July 1928 and November 1929 Plenums of the Central Committee of the All-Union Communist Party had special discussions on the problem of personnel. A resolution of the November Plenum of the Central Committee of the All-Union Communist Party stated: "The gigantic scope of socialist organization, the execution of the five-year plan, which is the practical expression of the Party slogan 'to overtake and surpass' the leading capitalistic countries, and, finally, the sharpening of the class struggle in the country, sets the Party the problem, in all its magnitude and sharpness, of personnel in the reconstruction period."

At that time the problem of personnel was particularly acute ^{with respect to} ~~for~~ the apparatus for administering the economy. Soon, however, the problem of training personnel for other parts of the apparatus, too, became no less acute. "Whereas the July and November Plenums of the Central Committee posed the problem of personnel for the economy, we are now confronted with the problem of personnel for Soviet establishments, for cooperatives, and for trade unions, etc.",¹ said Comrade L. M. Kaganovich at the Sixteenth Congress of the All-Union Communist Party in 1930.

Expanding the network of higher educational institutions, increasing the

Stenograficheskii otchet XVI s"yezda VKP(b)
 1/ Stenographic Report of the Sixteenth Congress of the All-Union Communist Party, 1930, Page 79.

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number of persons studying in them, and transferring these institutions from the People's Commissariat of Education to appropriate people's commissariats for the purpose of increasing the responsibility of the people's commissariats for the training of personnel in a short time has shown positive results.

~~The~~ ^Purging of bureaucrats and class-enemy elements, replacing them with workers, ~~and~~ engineers, and technicians from industry and ~~increasing the~~ ^{strengthening worker control over} ~~role of checking by workers on~~ the work of governmental establishments was extremely important in improving the personnel situation in the government.

By 1938, the task set by Lenin and Stalin to create personnel units dedicated to the work of building a new society was for the most part completed.

Comrade Stalin called the period between the Seventeenth and Eighteenth Congresses of the All-Union Communist Party the period of cultural revolution. In the course of this period (1934-1938) a large Soviet intelligensia was created. At the Eighteenth Congress of the All-Union Communist Party, Comrade Molotov announced that there were at that time 1,750,000 persons in our country holding supervisory positions of the high and medium grades alone. There had been a significant qualitative improvement in the composition of the personnel in general, particularly among Soviet workers and workers in the economy in supervisory positions. ^{By replacing} ~~persons who were~~ ^{are} politically bankrupt or whose work has been discredited with new people in supervisory work, our ^Party has accomplished a great deal; it

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has strengthened itself. New life has been injected into the governmental and economic apparatus.¹

Entry into the period of completing the building of socialism and the gradual transition from socialism to communism has increased the importance of the training and placement of personnel.

Progress along the road to communism is dependent upon an increase in personal responsibility. The problems of supervision are becoming more complex. Bureaucratic corruption in the governmental apparatus must be overcome. All this thrusts the problem of personnel to the fore.

In the addresses of Comrade Stalin at the February-March (1937) Plenum of the Central Committee of the Communist Party and at the Eighteenth Congress of the All-Union Communist Party and in the resolutions of the Eighteenth Congress of the All-Union ^{Communist} Party the following methods of resolving personnel problems were suggested: 1) centralization of the work of selecting personnel; training them very carefully; meticulous study of the good qualities and faults of workers; the bold advancement of young workers; adaptation of selection and placement of personnel to the requirements of the political line of the Party; 2) the communist training of Soviet personnel; the elimination of petty-bourgeois habits among the workers; the strengthening of labor discipline in

1/ Andreyev, Vystupleniya na XVIII s"yezde VKP (b) (Address at the Eighteenth Congress of the Communist Party), 1939, Page 9

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establishments; the mobilization of all the abilities of the personnel in the supreme struggle for the victory of communism; the raising of the theoretical level and the political tempering of our personnel.

Bolshevik indoctrination is vitally important in the struggle to strengthen personnel performance. To indoctrinate personnel in the Bolshevik manner means to indoctrinate them in the spirit of striving continually to master Marxist-Leninist theory. In order to consciously and successfully perform his work a government worker must understand the policy of the government. Government workers not interested in the outcome of our movement forward, inevitably turn into, in the words of Comrade Stalin, "short-sighted opportunists blindly and mechanically carrying out orders from above."¹

A Soviet specialist must not only be a specialist in a certain branch of science; "... he must also be a politically conscious and public-spirited person vitally interested in the fate of his country, familiar with the laws of social development, able to make use of these laws, and striving to take an active part in the political leadership guidance of the country".²

1/ Stalin, Voprosy leninisma (Problems of Leninism) 11th Edition, Page 598

2/ Ibid, page 599.

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The Basic
2. Fundamental Principles of Soviet Government Service

An individual who, through election or by appointment, occupies a permanent or temporary position in a ^{government} ~~state~~ organ is called a government employee. Government employees are given certain rights. The scope of these rights differs, depending upon the nature of the position held, but in all cases the rights are given the ^{State} government employee only for the purpose of carrying out the duties with which he is charged. If, however, a ^{State} government employee uses the rights given to him in connection with his position other than in the performance of his duties, he violates Soviet law.

^{State} Government service matters (procedure and conditions for being admitted to government service; procedure and conditions for dismissal, etc.) are regulated by both labor and special legislation.

Our labor legislation covers both workers and ^{State} government employees. Soviet ^{State} government employees, like workers, perform socially useful functions in various fields of ^{State} government activity. Therefore, they are no different in principle from workers in enterprises.

Thus, by the Ukase of the Presidium of the Supreme Soviet of the USSR of June 26, 1940 an equal working day was established for workers and office workers. Workers and office workers are forbidden to leave enterprises and establishments without authorization or to transfer from one enterprise to another or from one establishment to another without authorization. ^{Similar} ~~Equal~~ conditions have been

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~~established in the presence of~~ ^{under} which the director of an enterprise or the director of an establishment has the right and duty to give a worker or office worker permission to leave the enterprise or establishment ^{have been established} the stopping of work by a person who has received a pension on account of old age or invalidism; enrollment of a worker or office worker in a higher or middle special school. The same criminal penalties have been established for workers and office workers who have left their work or who have been truant without valid cause.

However it does not follow from the aforesaid that, in general, there must not be individual acts regulating specific ~~state~~ government service problems. The unique aspect of ~~state~~ government service is that every ~~state~~ government employee, within the limits of his rights, carries out ~~state~~ government functions and acts in the name of the ~~state~~ government.

There are several special acts dealing with government employees:

"Temporary Regulations on Service in Government Establishments ^{and} Enterprises", ~~dated~~ ^{of} December 21, 1922; "The Accountability of Persons Employed in Government Establishments and Enterprises for Acts of Sabotage", ~~dated~~ ^{of} March 14, 1933. Special mention should be made of the decree of the Central Executive Committee and the Council of People's Commissars of the USSR "The Principles of Disciplinary Legislation of the USSR and the Union Republics" dated October 13, 1929 and regulations on the discipline of workers and office workers in transport, in organs of communication, etc.

The ukases of the Presidium of the Supreme Soviet of the USSR on the es-

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establishment of class ratings for prosecutors and investigators of organs of the public prosecutor's office and for workers of the People's Commissariat of Foreign Affairs and ranks for railroad transport workers.

The introduction of class ratings and ranks and also of uniforms for the aforementioned categories of ~~government~~ employees had the purpose of further strengthening government service discipline and of increasing the authority of the aforementioned in the performance of their official duties.

The class rating or rank shows the special qualifications of the worker, his length of service and achievements and his authority as an employee of the government agency for which he works.

The introduction of class ratings and ranks does not mean, however, the re-establishment of officialdom in the USSR as an inside closed caste separate from the people. The legal position of these categories of ~~government~~ employees does not differ in principle from the position of any other employees of the governmental apparatus. The special nature of ~~government~~ service makes necessary a procedure closely regulated by law for progressing through government service, and close correspondence between the rank and class rating of the worker, which show his special qualifications and the position which he holds.

Soviet legislation (general and special) establishes the following basic principles of ~~government~~ service: The absence of limitations for women, the inadmissibility of dismissal or refusal of employment for such reasons as social

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origin, a conviction in the past or conviction of parents or relatives, except as provided by special laws. With regard to this there is only one limitation: those persons cannot enter the ~~state~~ government service who have been deprived of the right to vote, who are serving jail sentences, or who are forbidden by court decrees to work in government service.

Soviet law forbids persons who are closely related either by blood or marriage to work together in one government establishment when their service relationship involves the subordination ^{of one to the other} or the checking by one on the work of ^{the} ~~one to another~~. This regulation does not apply to persons ^a holding elective positions which are subordinate ^{to positions of close relatives,} ~~or where their work is checked~~, or to certain categories of workers in the social and cultural apparatus (teachers, doctors, etc.). ^{state} A government employee does not have the right to be an attorney for a citizen, establishment or enterprise with regard to the affairs of the organ in which he is employed.

No 91 On April 20, 1934, the Council of People's Commissars of the USSR issued a decree by which Soviet ~~economic~~ and other organizations ^{state} were forbidden to give, and rail transport workers were forbidden to accept from these organizations, any bonuses. Bonuses of this type are considered bribes, and offenders are punished under the appropriate articles of the Criminal Code.

In the Soviet state the principle of prohibiting employees of government establishments to act in the capacity of representatives of the interests of another organ or of individual citizens is strictly observed.

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Finally, the ~~State~~ government employee has the right to be employed by another establishment only with the written permission of the directors of both establishments concerned. The director of an establishment has the right to permit or forbid simultaneous employment in other institutions. Some categories of ~~State~~ government employees as, for example, employees of the finance department, judicial department, organs of the NKVD, the militia and organs of the public prosecutor's office are, in general, forbidden to work simultaneously in other agencies; with the permission of the director an employee of these organs is allowed to hold concurrently other positions within his own agency.

In certain government agencies where codes of disciplinary regulations have been adopted additional prerequisites have been established. Thus, for example, a person entering the transport service must have special technical knowledge and be in sufficiently good health to hold the position in question. There are such requirements for entry into service in the administrative organs of water transport and communications. In the field of education, the position of director of a middle school can be held only by a person trained for teaching, who has three years of experience in teaching, and who has been approved by a special certifying commission of the organ of education.

Thus, in the individual ~~State~~ government agencies, in addition to the general requirements for all ~~State~~ government employees, there are additional requirements which are in force only within the particular agency.

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~~8. The Legal Status of Soviet Government Employees.~~

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47-48 3. The Legal Status of Soviet Government Employees

The legal status of Soviet government employees is fundamentally different from the position of officialdom in present-day bourgeois states and in pre-revolutionary Russia.

By giving privileges (advantages) to officialdom and by corrupting it (bribery) and by establishing high salaries for officials, the bourgeoisie separate them from the general mass of the people and thereby they have in them servants preserving "order" in the interests of the ruling class. Bourgeois officialdom is completely subordinate to its superiors but it is not accountable to the citizens. The ruling classes require citizens to respect the laws and the establishments, putting the citizens in the position of being without rights and subject to arbitrary treatment by officials.

Officialdom uncontrolled by society creates lawlessness; citizens are deprived of any possibility of controlling officialdom; officialdom does not permit interference by public opinion in its official activities.

Under the conditions of the bourgeois state, the gulf between the ruling and the ruled ^{becomes} deeper every day; officialdom becomes further and further separated from the absolute majority of society -- the laboring masses. In fascist states this process has reached its furthestmost limits and resembles the state which existed in the police-bureaucracy of tsarist Russia.

"The backwardness of Russia and its absolutism," wrote Lenin, goes hand in hand with the complete helplessness of the people before officialdom, the

complete lack of control of privileged bureaucracy"¹

^{1/} Lenin, sochineniya (Works), Vol II, Page 179

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Engels pointed out the venality of Russian functionaries, their slyness, ignoble outlook, and their narrowly egotistical obedience to their superiors, coupled with superficial education.

The position of officialdom was wholly determined by the nature of the police-bureaucracy Russian state. With the aid of high salaries, privileges, and various indulgences, the capitalists and landowners used officialdom as a force preserving their supremacy.

The absence of control by the laboring masses over officialdom, and the absolute obedience of officials to their superiors, transformed them into a closed cast built on the principles of servility, blind subordination, etc.

A system of administrative protection protected bureaucrats from being called to account for violation of the laws. Whether to prosecute a government official who had violated the law was decided by his superior to whom the investigation materials and the prosecutor's conclusions were given for final decision.

In the USSR government employees of all levels are public servants carrying out the duties with which they have been entrusted by the government and required to act in the interests of a socialist society. In carrying out their duties in the name of the state, they bear the highest responsibility. In the Soviet state there operates the principle of controlability of officials.

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accountability and
and their responsibility to the workers and to the organs of authority elected
by the workers, i. e., to the Soviets, as well as to superiors.

Right from the very beginning ^{of its existence} the Soviet authority set about realizing
the principles of the Paris Commune -- accountability, controlability, and re-
movability of government employees. These measures changed government employees
from lords over the public into servants of the public.

In his historical work "The State and Revolution", V. I. Lenin wrote:
"...we will reduce government officials to the simple executors of our commands,
to responsible, removable, and modestly paid 'overseers and bookkeepers' (of
course possessing technical knowledge of all types, kinds, and degrees). This
is our proletarian task, ^{this} ~~that~~ is where we can and must begin when completing
our proletarian revolution. Such a beginning, ^{on a} foundation of high production,
will in itself lead to the gradual withering away of all bureaucracy, to the
gradual creation of an order -- an order not in quotation marks -- an order which
has no similarity to hired slavery -- an order in which the functions of super-
vision and accounting as they become more and more simplified, will be performed
by all in turn, will then become customary and finally disappear as a special
function of a special strata of people"¹.

¹/ Lenin, Sochineniya (Works) Vol XXI Page 403

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By a decree on Nov 23 (10), 1917, the Soviet government abolished civilian ranks and the privileges of government employees and also high salaries for officials. Government employees became the executors of the assignments of the working class. Government employees' work became subject to checking and they themselves could be called to account for their actions.

Under Soviet conditions, as V. I. Lenin teaches us " all citizens are transformed into employees of the ~~government~~ like members of the armed forces. All citizens become employees of a single national state 'syndicate'".¹

Thus, in the Soviet state there are no ~~principal~~^{fundamental} differences between workers and office workers: both ~~one and the other~~ are workers " in a single national state 'syndicate'". For this reason there is but one set of labor laws, laws on pensions and social insurance for workers and office workers.

Government employees are given the right to perform only those duties which have been assigned to them.

Upon leaving government service the individual loses those rights which were given to him in connection with his position. The rights of Soviet civil servants are consequently only a means for carrying out the work which has been entrusted to them. The use of these rights, for example, other than in the performance of official duties, is considered an illegal act for which disciplinary or criminal penalties may be imposed.

^{1/} Ibid, Page 440

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The rights and duties of Soviet government employees are regulated by appropriate acts: by regulations, by official instructions, by orders with regard to organs, by decrees, etc.

Within the limits of the rights given him the government employee acts in the name of the organ in which he holds a ^{particular} definite position. The legal demands ^{made by a} of government employee are therefore of a compulsory character.

This position of the Soviet government employee obliges him to use rights given him to their full extent in cases specified by the law.

Government employees are particularly required " in accordance with their positions and the rights given them to have a straightforward and conscientious attitude toward the worker-peasant government" ~~Collection of laws~~.
Collection of laws
(Sobreniye zakonov) 1933, Article 108). Government employees are obliged to un-
deviatingly obey the laws and the acts of administration based on the laws, to
guard socialist property committed to their charge, and to preserve and strength-
en the political and economic foundations of the state.

The activities of government employees cannot extend beyond the bounds
of their official authority: only within the limits ^{of rights} given them can they perform
any acts. Government employees must conscientiously and carefully perform the
duties with which they are charged, evidencing in the process a conscientious
attitude toward their work and initiative. Failure to act, like exceeding one's
authority, is an offense punishable under Soviet law.

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Precision in the work of an apparatus requires careful execution of orders of superiors. The employee usually receives an order from his immediate superior. The employee must execute the order of any superior, at the same time advising his immediate superior of the fact. The Soviet state requires government employees to refrain from carrying out orders which are illegal or which pursue criminal purposes. The employee must report such an order immediately to a higher superior. For carrying out such an act the employee is responsible along with the superior who issued the illegal order.

Government employees are required to guard strictly the state secrets, especially military secrets, entrusted to them in connection with their employment. Execution of this obligation under conditions of encirclement by enemies, especially in time of war, assumes extraordinary importance.

While requiring of citizens absolute compliance with official regulations, Soviet government employees are obliged to look out for the legal rights and interests of citizens. This stems directly from the problems and nature of Soviet governmental administration.

Of no less importance is the observance by civil servants of strict discipline both in service relationships and in contacts with visitors.

Truancy of civil servants without valid cause was made a criminal offense by a decree of the Presidium of the Supreme Soviet of the USSR on

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July 26, 1940.

Directors of establishments and individual parts of establishments have special duties in addition to those mentioned. Directors must set a personal example in the performance of their official duties, they must issue precise, clear orders and instructions, require that they be carefully executed and exercise constant supervision, employing disciplinary action or incentive measures in appropriate cases.

The director is personally responsible for the quality of the work of the employees under him and for the level of their knowledge. As V. I. Lenin teaches, "A political leader is responsible not only for how he directs but also for what those whom he directs do. Sometimes he does not know this, often he does not desire it, but the responsibility is his!"¹ The leader must be able from the beginning to take into consideration what science has already worked out, to ask whether the facts have been checked, to get an analysis (in reports, in the press, at meetings and so forth) of exactly what mistake ^{have} we made, and only on this foundation to correct what has been done."²

Soviet leaders, as Lenin says, are persons "with sober minds and with practical sagacity" combining "devotion to socialism with the ability, quietly (and despite noise and confusion), to keep the joint work of a large number of

1/ Lenin, Sochineniya [Works], Vol XXVI, Page 75

2/ Ibid, Page 174

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people running smoothly within the framework of Soviet organization".

Within the limits of the rights given them and the duties assigned them, ^{if required} ~~they~~ ^{are obliged to} direct, independently, the branch of government activity entrusted to them, without transferring responsibility or functions to lower or higher organs.

In charging government employees with the exercise of governmental functions, the Soviet state protects them from the violation, ^{during} ~~in the~~ performance of their official duties, of the rights given them. The Soviet state has made it a criminal offense to resist authority, to compel representatives of authority to perform clearly illegal acts, to threaten them with violence for the purpose of keeping them from performing their official duties ^{for the purpose of} ~~or~~ making them act in the interests of the threatener, to insult government employees publicly while they are carrying out their official duties, and so forth.

In this way the Soviet state ensures normal conditions for the official activities of persons working in the governmental apparatus.

^{Accountability of} 4. ~~Calling~~ Government Workers ~~to account~~

^{Space} Soviet government employees ^{may have} ~~are subject to~~ administrative, disciplinary, criminal, and material ^{penalties imposed upon them} ~~calling to account~~ for various offenses and violations of the laws. Each of these types of ^{penalty} ~~calling to account~~ has its own peculiarities. ^{imposed under special procedure,} ~~is carried out in a special manner~~ and is regulated by special legislation.

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1. The Administrative penalty is an action in the form of a reprimand or the assessment of a fine on a government employee who does not hold a position under the organ employing the action (for example a fine imposed on the director of an industrial enterprise by the state health inspector). The procedure for imposing administrative penalties on government employees does not in any way differ from the procedure for imposing them on other citizens (see Par. 4, Chapter V).

2. The disciplinary penalty is imposed under the disciplinary rules of government service by an official upon a government worker subordinate to him. *Imposing a penalty upon a worker in the government, under disciplinary procedure, to account within the service hierarchy*
~~noncriminal~~ for a violation not prosecuted under criminal procedure, of service obligations, and of labor discipline in particular, is called *remedy through disciplinary action*. *Remedy through disciplinary action*
 Disciplinary ~~calling to account~~ necessarily presupposes the subordination of the person who has committed the offense to the person or organ imposing the penalty and can take place only for ^{an} offense connected with the employee's official duties, i. e., connected with his position.

Some categories of employees (for example , investigators, public prosecutors, employees of the organs of the militia, and others) ^{have} are also ^{called to} ~~account~~ ^{penalties imposed upon them within} in the service hierarchy for violations, "even though ^{these violation} they are not violations of service obligations or labor discipline, but, ^{violations} which are not compatible with the dignity and position of officials of this category, in view of the special ^{nature} character of their duties". (Article 5 of the law of October 13, 1929).

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CONFIDENTIAL*Remedy through disciplinary action*~~Disciplinary calling to account~~ is thus characterized by the following

three traits:

- 1) The possession of a government position by the individual upon whom the disciplinary penalty is imposed;
- 2) commission of a service offense by ^{this} ~~such a~~ person;
- 3) imposition of a disciplinary penalty within the hierarchy.

The imposition of penalties under disciplinary procedure
~~Disciplinary calling to account of~~ government employees is one of the means of strengthening labor discipline; it is also strengthened by socialist competition, by educational work among government workers and by the employment of incentive measures by directors.

The system of imposing penalties under disciplinary procedure
 In bourgeois countries ~~disciplinary calling to account~~ is used as a means of protecting government officials from criminal prosecution in the courts.

In prerevolutionary Russia, a government employee could not be subjected to criminal prosecution without the sanction of his superior.

Government employees who enjoy the right to be hired and discharged, high-ranking officials, and also elected officials, are subject to disciplinary *action* ~~calling to account~~ on the basis of the law of October 13, 1929 entitled "Fundamentals of Disciplinary Legislation of the USSR and of the Union Republics".

Workers in the NKVD, the militia, justice, rail and water transport, communications, forest preservation and fishing inspection are called to account ^{under} ~~in~~ disciplinary procedure on the basis of special ~~sets of~~ ^{imposing penalties under} regulations or statutes on ^{procedure} ~~disciplinary calling to account~~.

^{1/} See the regulations on discipline of workers and office workers of railroad transport (*Sobraniye zakonov*) /Collection of Laws/, 1933, No. 35, Article 206). of communal electric power plants 1934, No. 27, Article 153) /Collection of De- (see reverse hereof):

✓ Sobraniye yzakoneniy [Collection of Statutes], 1934, No 27, Art. 158, Regulations for Service in Fishing Inspection,
decrees 1936, No 17) Sobraniye postanovlenii [Collection of Decrees]
1936, No. 17, Article 110), Statutes on State Forest Conservation (Sobraniye
postanovlenii [Collection of Decrees], 1939, No 5, Article 426).

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The rest of the employees of the government are called to account in accordance with the regulations of their place of employment (in which employment regulations , the general and specific duties of employees and of the administration, and the maximum penalties and the procedure of being called to account for their violation are specified),

Within the hierarchy the following penalties may be imposed: mild reprimand, reprimand, removal to a lower position for a period not in excess of a year, and discharge. In government agencies where codes ^{of regulations} of the discipline of employees are in force, before May 1936, ^{a possible penalty was} discharge from a position with a prohibition for up to a year against being employed in the government at all or in certain positions ^{the agency concerned,} in department ~~was a possible penalty~~. In May 1936 the Commission of Soviet Control attached to the Council of People's Commissars of the USSR issued a decree according to which the aforementioned measure can be employed only with the permission of the people's commissar concerned.

^{government agencies} In ~~departments~~ where special regulations are in force for the discipline of employees, such disciplinary penalties as arrest for a period of from 3 to 20 days are also used. In practice, this measure has been very rarely used, especially since the adoption of the new Constitution of the USSR. In connection with the introduction of martial law into transport (Ukase of the Presidium of the Supreme Soviet of the USSR of April 15, 1943), it was suggested to the commissars of transportation, railroads and of the river and maritime fleets, and the heads of roads and steamship lines that they see that the right to impose disciplinary

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arrest for a period of up to 20 days is applied without fail in necessary cases.

This disciplinary penalty measure is not included in the regulations introduced by the Council of People's Commissars of the USSR in 1940 on the discipline of employees in the organs of communication.

Disciplinary penalties are imposed by ^{the} individual or organ ^{charged with} ~~the~~ ^{appointing} ~~which appoints~~ the employee in question to duty or by a higher organ (within the hierarchy). ^{Chiefs} ~~Chiefs~~ do not have the right independently to impose disciplinary penalties on ~~Chiefs who although they can give instructions and assign~~ ^{even though they may be able to give such} ~~ments to workers not subordinate to them administratively~~ ^{(for example, the} ~~workers instructions and assignments~~ ^{for example, the} ~~chief of a planning section, a chief bookkeeper, the supervisor of an accounting~~ ^{group, etc.).} ~~do not have the right to impose disciplinary penalties independently.~~

Soviet law gives a supervisor the opportunity to choose the appropriate measure to take depending upon the seriousness of the offense committed, on the conditions under which it was committed, and finally, on how the employee ^{concerned} ~~in~~ ^{his} ~~question~~ has performed ^{his} duties in the past.

A disciplinary penalty cannot be imposed more than one month after the day the violation was discovered, or more than six months after the day it was committed; before the imposition of a penalty, an explanation must be demanded from the individual being called to account. The order imposing the disciplinary penalty and specifying the reasons it is being imposed must be immediately transmitted to the individual upon whom the penalty is being imposed, and when the order goes into effect, it is announced throughout the establishment.

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A person incurring a disciplinary penalty is given the right to appeal it in the course of a period of two weeks. The courts do not have the right to consider applications for annulment of disciplinary penalties imposed within the hierarchy. The complaint is given to an official superior to the official who imposed the penalty. A decision with regard to a complaint is final and can be reconsidered only by supervision by higher organs.

If, within one year of the day a disciplinary penalty in the form of a mild reprimand, reprimand, or removal to a lower position is imposed on a subordinate, this person has not incurred a new disciplinary penalty, he is considered not to have had a disciplinary penalty.

Disciplinary penalties are not entered in labor books.

3. The second type of ^{penalties imposed on} ~~calling to account~~ of Soviet government employees ^{are} ~~criminal~~ ^{penalties.} ~~calling to account.~~ It was stated above that disciplinary penalties are imposed for the violation of service obligations (labor discipline in particular) which are not prosecuted under criminal procedure. From this it follows that there can be violations of service obligations which incur ^{the imposition of penalties under} ~~criminal~~ ^{criminal} ~~procedure.~~ ~~calling to account.~~ A government employee is subjected to criminal prosecution if he has committed a crime, while he cannot undergo criminal prosecution for a minor offense; *In the latter case he is punished under disciplinary procedure.*

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From this it is clear how important it is to distinguish a crime from a minor offense. To establish boundaries between minor offenses and crimes, it is necessary to turn to positive law. Marx's position on this question should not be forgotten: "Whether to qualify certain violations of laws established by the official society as crimes or as minor offenses only, depends to a certain extent upon the official society"¹

No 9 In this the state proceeds on the basis of the ^{basic laws} ~~individual principles~~ characteristic of ^{its} ~~the~~ social and political structure.

It would be incorrect to consider that the disciplinary offense ~~does not~~ ^{does not involve more than} extend beyond the violation of service regulations, while a criminal offense of an official is, furthermore, always connected with the infringement of some legal ^{welfare} ~~right~~ (pravovoye blago) by which is meant "everything for the securing of which the law establishes certain obligations"². Violation of a service regulation is always a violation of certain obligations established in the state in question.

Neither can the following distinctions be considered valid: that a minor offense violates the interests of the normal direction and usual activities of governmental organs while a crime committed in the performance of duties violates the general interest, or that a disciplinary offense violates the order of social organization while a crime violates the interests of citizens.

1/ Marx and Engels Sochineniya (Works), Vol XI, Chap II, Page 246

2/ Korkunov, Russkoye gosudarstvennoye prav Russian Governmental Law Vol II, 6th Edition, 1909, Page 720

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No 9 At the base of these distinctions is the contrasting of the ⁰ government's interests with the interests of the citizens, which has no place ^{in the} under Soviet conditions. system-

According to Soviet law " a violation of labor discipline which does not have elements of malice, hostility to the Soviet power and other elements which require it to be dealt with under judicial procedure ^{is a} require judicial calling to account ~~are~~ service offences (see disciplinary regulations for workers and office workers of transport and communication). There are several elements in the above definition: 1) absence of malice, 2) absence of hostility to the Soviet power and 3) absence of other elements which require judicial calling to account. The offense to be dealt with under judicial procedure.

The first two elements are of a specific nature. To interpret the third element reference must be made to the definition of crime in criminal law.

No 9 Article 6 of the Criminal Code of the RSFSR and corresponding articles of criminal codes of other union republics state that an act directed against the Soviet structure on which violates the ^{legal} law and order established by the Soviet power is a crime. A footnote to this article says: " An act is not a crime if, ^{formally} while it ~~literally~~ falls within the provisions of an article of the Special Section of the code of force, because it is of so little account and because ^{it is not of a socially dangerous character} there it has no harmful consequences, ~~it is not of a socially dangerous character.~~"

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Using this definition, it may be said that ^{any act (or failure to act)} ~~every act (or failure to~~ of an official which ~~act violates~~ service discipline, ~~not~~ is a violation of disciplinary regulation and in which there are no elements of malice or hostility to the Soviet power, while it formally falls within the provisions of an article of the Criminal Code, ^{clearly} but because it is of ~~so~~ little account ^{and} and has no harmful consequences, ^{and} is not of a socially dangerous character, is a service offense (dolzhnostnoy prostupok).

An act or failure to act which was not called for in the performance of duty under the circumstances, and which has had, or might have, unfortunate consequences for the work of the establishment (interference with the normal operations of the establishment, causing property damage, violation of the legal rights and interests of citizens) and in which there has also been one of the following elements: repetition, personal interest (mercenary, in particular) or malice, is a service crime (dolzhnostnoye prestupleniye) ^{punishable} prosecuted under criminal law. ^{The imposition of penalties} Criminal calling to account is prosecuted under criminal law. ^{Criminal calling} ^{upon} ^{under criminal procedure} to account of Soviet government employees is regulated by the Criminal Code in the section entitled "Criminal Breaches of Trust".

Liability for damages [material'naya otvetstvennost']

4. Material accountability in administrative law is the obligation of

a government employee to make good loss or damage caused by his improper official act with regard to a citizen or social organization.

The very definition of this type of ^{liability} accountability tells what is included in it. It does not include ^{the obligation to make recompense} material accountability of money for shortages or goods in the employee's charge. The latter type of ^{liability} accountability belongs in

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another field of law. Excluded also, is ^{liability} ~~accountability~~ ^{physical} for ~~material~~ damage caused by legal acts of government employees. ~~Government employees are not liable for~~ Their legal acts which cause citizens or public organizations to suffer ^{physical} ~~material~~ damage, are exempted from ~~material~~ ^{physical} accountability. A government employee who causes ~~material~~ ^{physical} damage while carrying out laws or legal acts of administration is not accountable under either criminal or disciplinary procedure. If, for example, a state health inspector discovers food products unfit for consumption and on the basis of rights given to him by law proposes to destroy those products, he causes ^{physical} ~~material~~ damage by a legal act. In this case, however, the question of ^{liability for damages} ~~material accountability~~ cannot arise.

^{obligation to pay damages}
The question of ~~material amenability~~ can arise only when damage is caused by an illegal and improper official act of a government employee.

There are two kinds of improper official acts: 1) those resulting from the criminal misuse of authority, exceeding authority or failure to use authority, or a negligent attitude toward one's duties 2) those resulting from lack of knowledge of the scope of the rights given, ~~them~~, honest error, mistake, etc.

In the first case the employee who has committed a crime and thereby inflicted ^{physical} ~~material~~ damage upon a citizen or social organization ^{is obliged to pay damages out of his} ~~must bear personal property responsibility~~ ^{operating under general procedure}. Under ~~general procedure~~ the court requires him personally to make good the damage he caused.

In some cases Soviet law makes government establishments responsible ^{physical} for ~~material~~ damage caused by improper official acts of their employees (illegal

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confiscation or requisition, loss of matter sent through the mails, appropriation of money or goods for transfer to a third person, etc.). It is true that the illegality of an employee's act must be declared by the courts or by administrative organs and the complaint must be made within a reasonable time. The establishment compensating the injury done an individual citizen or organization may in turn fine the guilty employee (Articles 83 to 83² of the Code of Laws on Labor).

In the other cases the establishment is not responsible for the illegal acts of its employees which have caused ^{physical} ~~material~~ damage to individual citizens or organizations.

Government employees who have caused damage through improper acts either ^{must personally pay damages} ~~bear personal material responsibility~~ (if criminal acts were committed), or in general do not ^{have to pay damages} ~~bear material responsibility~~ (if the improper acts committed by them resulted from other causes: honest error, mistake, lack of knowledge as to the rights given them, etc.). In the latter case ^{action only} ~~only disciplinary calling to account~~ is required.

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5. Encouragement of Workers in the Governmental Apparatus;

Forms of Encouragement

"Every success in ^{strengthening} raising the economy must be more regularly rewarded both with the Order of Labor Banner ^{the} and with monetary prizes" ^{of Labor}, wrote V. I. Lenin in 1921. Since then this principle ¹ has become ever more firmly rooted in Soviet governmental administration: in our country every encouragement is given outstanding government employees with initiative.

In the USSR the following measures of encouragement of government employees are employed: 1) the commendation 2) the monetary reward (bonus) 3) reward with a valuable gift inscribed with the recipient's name 4) reward with an honorary certificate or an honorary emblem 5) inclusion on a roll of honor 6) awarding of an honorary title (Hero of the Soviet Union, Hero of Socialist Labor, distinguished scientist or artist) and 7) reward with a medal or order of the USSR. Each of these measures of encouragement can be employed only by the ^{an} ^{government} state organ or official authorized by and in accordance with ^{law} established laws to employ it.

The right to commend belongs to every director (^{or chief} head) of an establishment.

The monetary award can be made by the director (^{or} chief) who has the right to hire and ^{discharge} dismiss and who is in charge of

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¹ Lenin, Sochineniya (Works), Vol. XXVII, p. 143

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financial matters. ^{Within in structural positions,} credit-manager. The directing workers (heads of ^{chiefs} main administrative ^{and sections} divisions of people's tions, independent sectors and departments and ^{as} commissariats, their deputies and assistants, managers of ^{amalgamations and commerce trade} combines, trusts, auctions, organs their deputies, assistants and chief bookkeepers) are rewarded with bonuses prizes ^{on the order of a director of a people's commissariat (or other government agency).} ~~(department) (vedomstvo)~~ (administrative chief).

The Workers of Soviet establishments are rewarded with bonuses:

ill
for overfulfillment of the qualitative and quantitative and qualitative assignments of the industrial and financial plan; for the execution of tasks not ^{within} in the scope of their usual work; for the manifestation of initiative in work, for the introduction of valuable innovations, ^{and} for improving the organization of labor and the introduction of better methods of work as a result of which economy and ~~the~~ an increase in the productivity of labor are above the established plan are attained.

The awarding of bonuses in peacetime is ^{done} made from the bonus fund, which is composed of $\frac{1}{4}\%$ of the salary fund of the workers of the particular institution establishment ^{in question} and 50% of the savings ^{with respect to} on the salary fund of the workers, but no more than 2% of their salary fund.

With the special permission of ^{by} the authorization of the director of the ^(or other government agency) people's commissariat ^(administrative chief) ~~(department) (vedomstvo)~~ ^{with respect to} savings in the salary fund in excess of 2% of the fund may be turned over to the bonus fund.

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Giving out prizes ^{at the expense of} ~~from~~ any other sources is forbidden.

A bonus is awarded ^{upon} ~~at~~ the order of the director of the establishment if the bonus does not exceed the monthly salary; a bonus greater than the monthly salary is given out only with authorization by the ^{of} ~~the~~ director of a people's commissariat ^(or other government agency) ~~(administrative chief)~~.

The awarding of a valuable gift inscribed with the name of the recipient is done in the same way.

The right to award honorary emblems, honorary certificates and the right to put a name ^{on} ~~in~~ the roll of honor (employed in the People's Commissariat of Internal Affairs, the People's Commissariat of Transportation, and the People's Commissariat of Communications, and in several other commissariats) belongs to the people's commissar.

^{designs}
The types of honorary emblems and the position Regulation on

Honorary Emblems are ~~worked out~~ ^{approved} by the people's commissariats and confirmed by the Presidium of the Supreme Soviet of the USSR

(~~with~~ in regard to All-Union and Union Republic Commissariats) or

by the presidium of the supreme soviet of the union republic (in

regard to republican commissariats). Persons awarded honorary

emblems, in contrast to persons awarded orders ~~and~~ of the USSR,

do not have any personal rights to ~~having~~ special housing

privileges, free travel ^{or} ~~and~~ the like and do not receive monthly

monetary benefits.

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The awarding of honorary titles is within the competence of the Presidium of the Supreme Soviet of the USSR, and the presidiums of the

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Supreme Soviets of the Union and Autonomous Republics.

Honorary titles are awarded by the above-mentioned ^{government} state organs ^{on the recommendation of government agencies,} with regard to presentation ~~of~~ to ministries (~~basu-vedomstva~~), central scientific and artistic ^{institutions} establishments and central social (~~obshchestvennyye~~) organizations.

The right to award medals ("For Labor Excellence", "For Labor Heroism", "For Courage", "For War Service" ^{Distinction in Combat}) and orders of the USSR (order of Lenin, ^{of} "Victory", ^{of the} Red Banner, of Suvarov, Kutuzov, Alexander Nevski, of the Patriotic War, Nakhimov, Ushakov, Glory, Bogdan Khmel'nitskiy, of the Red Star, ^{of the Red Banner of Labor} "Mark of Distinction") belongs to the Presidium of the Supreme Soviet of the USSR. For the order of awarding medals and orders to military personnel in the army in the field, see Section 1, Chapter VII.

The deprivation of a medal or order of the USSR can be made only by the Presidium of the Supreme Soviet of the USSR. A court sentence ^{on the part of} by the decorated person or misconduct may serve as a basis for deprivation of an order.

The person awarded a medal is paid by the state five or ten rubles per month more than the salary or pension he receives; the decorated person has the personal right to free transportation on the street ^{lines of} cars in all cities of the USSR.

The person awarded an order of the USSR receives 10 to 25 rubles monthly from the ~~sixty~~ government and has the personal right to travel on the rail and water ~~syst~~ transport system free of charge once

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period
a year. In addition, the decorated person's time of employment before receiving a pension for invalidism, years of service, or on some other basis, is reduced by one-third. The person awarded an order of the USSR does not have to pay income tax or the ~~tax~~ salary deductions from salary for housing and culture and education; the living space which he occupies in ~~which~~ a house where the rent is determined according to a scale of the local Soviet is paid for with a deduction the amount of which is set by the local Soviet.

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CHAPTER V

ACTS OF THE SOVIET GOVERNMENTAL ADMINISTRATION

1. The Concept of an Act of the Soviet Governmental Administration

The organs of the Soviet governmental administration and their officials, ^{in executing} ~~who execute the obligations imposed upon them~~ ^{duties with which they are charged} ~~their duties~~, operate through the medium of acts: decrees (postanovleniya), ordinances orders (rasporiazheniya), orders (prikazy), instructions (instruktsii), and so forth. The current operation of ~~the governmental~~ administration is ^{in the form of} ~~shaped in the~~ acts of the governmental administration. These acts ^{define the} ~~rights and obligations of the~~ ^{duties} ~~organs of~~ governmental administration, officials, and citizens, is usually fixed by them.

The act of the governmental administration is the ^{juridical} ~~legal~~ way form of carrying by which the organs of administration carry out the ^{assignments with which they are charged} ~~duties assigned to them~~. In this ^{it} ~~it~~ differs from ^{judicial} ~~law~~, the court act, and the civil-law contract.

The law of the USSR is the highest ^{juridical} ~~legal~~ form of the manifestation of government authority and serves as ^{the} ~~a~~ source for all other governmental acts.

^{An} ~~The~~ act of ~~a~~ governmental administration, like a ^{law} ~~law~~, is a juridical act regulating social relations. But an act of a governmental administration has force only when it does not contra-

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dict the law. Any act of ~~the~~ governmental administration may be annulled, modified, or suspended by ^Alaw. ^AThe law can not be modified or suspended by an act of ~~this~~ administration. ^AThe law is ^{indisputable} binding upon ^{law-giver} ~~unquestionable and obligatory for all~~; only the legislator can annul or suspend the operation of a law. However, an act of ~~the~~ governmental administration may be suspended, modified, or annulled, not only by ~~the~~ the organ issuing the act in question, but also by a superior authority in that organ of government or administration (for example, the Council of People's Commissars of the USSR can annul a ^{order} ~~decree~~ of a people's commissariat of the USSR, and the executive committee of an oblast Soviet can annul ^{resolution} ~~the~~ ^{decision} ~~a decision~~ of the executive committee of a rayon Soviet).

It follows from the above that ^{an} the law and ^{an} the act of a governmental administration possess different ^{legal} ^(yuridicheskaya sila) juridical force. ^AThe concept of "legal force" has a dual meaning.

In one meaning it is used when it is desired to indicate that ^{effect,} the governmental act is actually in ^{existence,} that the content of the act ^{has} is vital and that this act ^{is being applied in specific cases.} is applicable to ~~concrete phenomena.~~

For example, when it is said that a decree of the executive committee of a rayon Soviet of Workers' Deputies on the obligation to plant trees in yards has legal force, it means that ~~the~~ what is prescribed by the ~~said~~ decree is in operation and is being applied in ^{fact.} ^{life.}

^{a different} Legal force is spoken of with ~~the other~~ meaning when it is desired to

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specify the different grade of governmental acts. In this case the phrase has to do with the greater or less legal force of the act.

For instance, the acts of the people's commissars of the union republics have ^{equal} unique force, in ^{corresponding to the unique position in} as far as these officials occupy ^{the apparatus} the government ^{occupied by these officials}. The acts of ^{equivalent} unique positions in the governmental apparatus. The acts of the a

people's commissar of the USSR and a people's commissar of ~~the~~ a union republic possess different legal force in ^{as far as} as much as ~~it is~~ ~~an~~ an act of a people's commissar of a union republic can be annulled, modified, or suspended by an act of a people's commissar of the USSR.

Consequently, it can be said that the legal force of an act is determined by the position ~~the~~ the governmental organ (official) occupies in the governmental apparatus.

From this point of view it is apparent that ^{the laws and acts of} ^{from acts of governmental administration} ~~the~~ ^{state} governmental administration possess different legal force. The ^{law} ^{since it has the} ^{greater legal force, prevails.} This is the fundamental

difference between ^{an} administrative acts ^{and} ^a law.

Furthermore, the law ^{establishes the} ~~lays down~~ a general rule. For example,

the law on universal military service established the general rule ^{military service} about performance of ~~the~~ by citizens of the USSR. ^{The implementation} ~~The realization of~~

of this law requires ~~the~~ ~~acts~~ ^{orders} by the Government of the USSR, ~~decrees~~.

of the People's Commissar of Defense, ~~orders~~ ~~and~~ orders of the military commissars, and so forth. Similarly, carrying out the law on the

single agricultural tax, which ~~is~~ ^{establishes} ~~merely~~ ~~laid down~~ the general rules,

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requires that the People's Commissariat of Finance of the USSR issue a special instruction on the method of calculating and collecting the ~~tax~~ agricultural tax.

Hence acts of a governmental administration are to execute the laws ^{and} so that governmental institutions, using the rights given them, may decide ^{specific} concrete questions arising in the operation of government. These

acts may be issued only on the basis of the laws and in executing the execution of laws. The different legal force ^{of which a law and an} ~~which is the law and~~ act of a governmental

administration possess by no means implies that they have a different degree of obligation. All acts of the governmental administration which are not contrary to the law are ~~compulsory~~ binding to the same extent ^{as the laws.}

An act of a governmental administration ~~differs from~~ is also different from a ^{judicial} court act, which is expressed in the following as follows:

- a) ^{Judicial} Court acts are issued only in regard to those ^{matters} ~~affairs~~ which

the courts may consider according to law. The judicial organ can not

issue an act imposing a ~~penalty~~ disciplinary penalty upon ~~an~~ ^{in so far} official of the governmental administration, in as much as it rules ^{section of government} of the governmental institution in which he serves. only with regard to employee subordination. A court can not issue an

act ^{calling a district to a more extensive to account} attaching administrative responsibility for violation of the

^{sanitary} sanitation and hygiene ^{regulations,} laws, either, since, according to the law, this

is not within the competence of the court.

^{in addition,} The organs of governmental administration must, within the limits

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of the rights given them, regulate also ~~the~~ such questions which are
~~not~~ at the given moment, have not been ^{dealt with by laws or other} decided by law or by another
~~rule-creating acts.~~
 A. normative ~~(normative)~~ acts. They must regulate, on the basis of the

law all questions arising in the process of administration, regardless
 of whether ^{there is} they have been decided by ^{existing} operating legislation, ^{dealing with them}
 indent b) The ^{Judicial} court act is based on law. "The ^{Judges} courts are independent and
 subordinate only to the law", says Art. 112 of the Stalin Constitution.

An act of a governmental administration is based not only on the
 laws but also on the ^{legal} ~~equal~~ ^{administrative acts} ~~(pravomernyye)~~ acts of the administration
 which have been issued by superior governmental organs. An order
 of ~~xxxxxxx~~ the chief of an oblast office of national education must
 be based on a law, on a decree of the Council of People's Commissars
 of the USSR or of the council of people's commissars of a union
 republic, ^{or} ~~on the~~ ^{resolution} a decision of the oblast Soviet or its executive
 committee.

c) A ^{Judicial} court act is the result of a decision ^{with respect to} on a specific
^{case; as} matter; ^{like a rule} it is an individual act to regulate a specific
^{violation} certain infringement of the law. An act of a governmental administra-
^{applying to} tion can also establish a general law encompassing a number of
 phenomena of the same kind. For example, ~~in the order of adminis-~~
~~tration~~ the People's Commissariat of Agriculture of the USSR
 by administrative procedure establishes ^{method} the system of appointment, transfer, release, and
 removal from ^{work} office of the directors of the machine-tractor

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stations and state farms.

d) As a ruling rule

~~is like a rule (principle)~~. a court act is issued when a concrete

consideration of a specific fact concrete case of law infringement, is under consideration, and then while
as ~~the~~ administrative acts they are issued, also with regard to other matters not connected
like administrative acts they are issued, not only in connection.

with infringement of the law. Administrative acts can establish new

regulations ~~rules~~ (for example, on changing the ^{procedure} order of replacement of lost

documents), suspend the operation of rules issued earlier (for

example, suspension of the free ^{entry} approach to a certain place), or

modify them in accordance with new tasks of the governmental

administration (for example, ^{introducing new categories} expanding the circle of persons who ^{subject}

may be drawn into the labor service ^{duty}).

An act of a governmental administration also differs from the

basic ^{juridical} legal act in civil-law relations--the contract. The

differences are as follows:

a) The contract is a bilateral agreement; it is the result of the mutual action of two or more parties. An act of a governmental administration is not the result of an agreement of an administrative organ with a second party to a relationship. An organ of governmental administration establishes, modifies, or suspends the relationship unilaterally within the limits of the rights given ^{in accordance with} it, on the basis of existing statutes. ~~it~~ In an act of governmental administration there is not, and can not be, an agreement with a second party ^{to} of a specific relationship, in an act of a governmental administration.

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A contract between the factory "Krasnaya zarya" and the plant "Treugol'nik" on the delivery of raw materials is a civil-law ~~act~~ ^{the agreement of both contracting parties.} arising as a result of ~~both parties to the contract.~~ The decree of the Council of People's Commissars of the USSR of December 19, 1933 on contracts between socialist enterprises, which established the ^{procedure} ~~form~~ and ^{conditions} ~~circumstances~~ for concluding such contracts, is an act of ~~the~~ governmental administration and is not in any measure ~~the~~ result of an agreement of the Council of People's Commissars of the USSR with any other ^{state} ~~organ of the government~~ to which the decree in question is applied. ^{extended.}

b) When an illegal civil-law act is concluded both sides ~~both~~ parties bear equal responsibility. In the case of an illegal act of ~~the~~ governmental administration (for example, in social security), only the organ of governmental administration ^{or its official} ~~will~~ be responsible. In such a case there is no responsibility of the second party to the relationship regulated by this act. ^{is not responsible.} ~~organ~~
 A governmental ~~administration~~ ^{entity} is the source of an act of governmental administration. ^{is issued by} ~~is issued by~~ a governmental ^{in this act the} ~~organ~~ or its official in the ~~issued act~~ ^{state} deals with the

second party in the name of the ^{state} ~~government~~, which has allocated a definite range of rights and obligations to the organ in question.

The instructions contained in the administrative act therefore have the character of a government decree; ^{noncompliance with} ~~nonexecution of them also~~

^{incurs} ~~necessitates~~ the application of ^{of governmental compulsion} ~~coercive measures by the government.~~

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In this respect acts of governmental administration ^{are different} ⁹¹ differ from
acts of social organizations.

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2. Requirements ^{which} Acts of Governmental Administration Must ^{Meet} Possess

In Section 2, Ch. II of this textbook the importance of the principle of socialist legality to governmental administration was pointed out. ^{According to} From the point-of-view of this principle an act of governmental administration must: 1) be issued by an authorized organ and be within its competence 2) ^{neither} ~~not~~ be not formally contrary to the law, ^{nor} ~~but also not~~ violate the interests of the workers in substance 3) be issued for purposes prescribed by law 4) be issued ~~in an act~~ according to established ~~procedure~~ procedure and in the proper instances in ^{certain} ~~a set~~ form 5) not be contrary to the principle of democratic centralism 6) be written by a technically and legally literate person.

According to the first requirement an act of governmental administration must be issued by an ^{authorized} organ ~~authorized to issue it~~ and must be within ^{the organ's} ~~its~~ competence. This means that, for example, the executive committee of a rayon Soviet can not enact a resolution establishing new types of compulsory deliveries, ^{in so far as} ~~in-as-much-as~~ the right to change deliveries and establish new types of deliveries belongs to the Council of People's Commissars of the USSR.

The second requirement is that acts of the governmental administration must neither be formally contrary to the law nor violate the interests of the workers in substance.

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Violations of this requirement are met in practice, especially in connection with ^{the} issuance by Soviets and their executive committees of compulsory decrees, formally not contrary to law, but actually interfering with the workers' mode of life, restricting the rights of citizens of the USSR.

For example, the executive committee of a rayon Soviet of *Working People's* *Deputies*, *basing its action on* *the basis of* the law of March 30, 1931, issued a compulsory decree on fire prevention measures, in which rules of conduct were enumerated for citizens, organizations, and enterprises. *The regulations forbade the* *It was forbidden in the regulations to* lighting of stoves after the onset of darkness in the wintertime. *Formally,* *From a* formal point of view the executive committee did not violate the law, *so far* *as* in *as much as* it has the right to issue compulsory regulations, but the rule *it made* they laid down interfered with the workers' mode of life and violated the interests of the citizens without *sufficient grounds* *a basis* for ~~it~~ doing so.

According to the third requirement an act of governmental administration must be issued only for purposes prescribed by ^a law or by an act of a superior organ. In the law on self-taxation, *funds derived from* for example, it is pointed out that the ~~resources of~~ self-taxation not used in the current year remain in the accounts of village soviets and may be used by them the following year. However, several rayon ~~soviet~~ executive committees suggested to the

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^{village}
~~rural~~ soviets that they transfer the remaining ^{funds} resources ~~of~~ from self-taxation to the budget of the executive committee of the rayon Soviet. In this case the purpose prescribed by the law on self-taxation was violated.

The fourth requirement says that an administrative act must be issued according to established procedure and in the appropriate cases in the proper form. This requirement is important with regard to acts of local Soviets and executive committees, which are ^{committee-type} ~~associate~~ organs. ^{According to} ~~From the standpoint of~~ this requirement acts issued in the absence of a quorum or adopted by ~~questionable~~ procedure are illegal.

In the case of certain acts of governmental administration a certain form has been prescribed, adherence to which is compulsory. For example, ~~xx~~ a compulsory decree of a local Soviet or executive committee must have the established form and be signed by the chairman and secretary of the executive committee. An act administratively confiscating property belonging to a citizen also must be signed by the appropriate official.

According to the fifth requirement an act of governmental administration must ^{be in agreement with} ~~correspond to~~ acts of superior ~~organs of~~ ^{organs of} ~~administration~~ ^{and administration} ~~governmental and administrative~~ organs and also ^{with acts} ~~of~~ ^{of authority} ~~local governmental organs~~. The acts of a ^{director} ~~head of a~~ ^{city} ~~city~~ ^{office} ~~office~~ must not violate either the laws, decrees, and ordinances, orders,

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or instructions of superior executive and administrative control
^{of administration,}
 organs, or ^{orders} of resolutions and ordinances of the city Soviet and
 its executive committee.

This requirement has to do with those organs of governmental
 administration which are "dubly" subordinate. ^{"dubly"} (v dvoynom podchinenii). The local organs of the
 People's Commissariat of Transportation, the People's Commissariat of
 Defense, and other all-union people's commissariats which are
 subordinate only to the superior organs of their own ministries,
 have to take into consideration in their acts only those resolutions
 and ^{orders} ordinances of the local Soviets which are compulsory for them
 (for example, the compulsory decrees of the local Soviets and their
 executive committees).

The last requirement has to do with the language in which
 administrative acts are written. This language must be precise, clear,
 comprehensible to the intelligence of those who are to execute ~~it~~ the
 act, as brief as possible, and literate from both ^a the technical and
 legal standpoint. The fulfillment of this requirement is important
 because an act which is not clearly written may be interpreted in
 different ways, which leads to different practice where uniform
 interpretation and uniform ^{etc} administration is called for.

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3. The Classification of Acts of Soviet Governmental Administration

Administrative acts may be classified as follows: 1) according to ^{juridical properties} the legal aspects of the acts 2) according to ^{the extent of the geographical area} its scope of operation,

3) according to the ^{type of} competence of the organs issuing the acts

4) according to the organs issuing the acts.

With regard to juridical properties there are particular
The legal aspects of individual acts and acts establishing general

rules differ with regard to legal aspects.

A particular ^{deals} ~~individual act~~ ^{with} certain specific
 An individual act is ~~an act dealing~~ with a single concrete phenomenon, ⁱⁿ
 a ^{certain specific} single concrete case. For example, the decree of an administrative

commission imposing a fine is an ^{particular} individual administrative act of administrative

Particular individual acts are based on acts of a general nature.

An act ^{is} ~~acts~~ ^{establishing} general rules ^{is} for ^{similar} group of phenomena of a
 single kind and not for a single ^{specific} concrete phenomenon. These acts are

usually in operation over a long period of time. An order of a people's

commissar on the ^{procedure} method of appointing and removing workers ⁱⁿ with regard

to a certain ^{his agency} ministry is an act of the second type. A general rule,

the ^{procedure} method of appointing workers to ^{duty} and of dismissing them, ^{from}

duty is established in this act. On the basis of this ^{general} act a number of

particular ^{specific} individual acts may be issued appointing specific persons to ^{certain}

duties.

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In addition, ⁹⁵ acts differ with regard to the scope of their ^{geographical area in} ~~which they are operative~~: there are acts of central administrative organs and ^{organs of authority} ~~acts of local governmental and administrative organs~~. Acts of ^{of authority and administrative} ~~local governmental and administrative organs~~ must be in complete agreement with acts of central administrative organs.

With regard to the ^{type of} competence of the organs issuing the acts, a distinction is made between acts of general administration and acts of special (branch) administration. ^{akty obshchego upravleniya} ~~acts of general administration~~ and ^{akty spetsial'nogo (otraslevogo) upravleniya} ~~acts of special (branch) administration~~.

Acts of general administration ^{are those} ~~have to do with~~ acts issued by organs of general administration, that is, ^{by} ~~the~~ ^{the} Council of People's Commissars of the USSR, the councils of People's commissars of the union and autonomous republics, the local Soviets and their executive committees. Acts of general administration ^{may contain decisions on} ~~the~~ ^{solution of} a number of ^{matters having to do with different} ~~questions of~~ various branches of the national economy.

Acts of the Council of People's Commissars, for example, are in regard to industry, agriculture, social and cultural ^{development} ~~matters~~, preservation of the governmental ^{order} ~~the form of government~~, etc. Acts of general administration are ^{for} ~~aimed at regulating a number of~~ ^{several} ~~relationships in~~ ^{different} ~~various sections~~ of the national economy.

Acts of special (branch) administration regulate the relationships ^{between} ~~which arise in certain~~ ^{individual} branches of the national economy. For example, acts of the people's commissars and directors of ^{sections (otdely)} ~~divisions and~~ ^(upravlenii) ~~administrations~~ ^{develop} ~~regulate relationships which arise in the~~

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subdepartmental branches of governmental administration. ^{under government} agencies.

Acts of general administration, as a rule, are issued by ^{committee-type organs} the collective-group ^{collegium} associates, in as much as organs of general administration operate ^{collective-group} on the ^{associate principle}; acts of special administration ^{as a rule,} are

issued by a single person--the people's commissar, the chief of an administration, the ^{chief} director of a division, etc.

Acts of governmental administration are divided up ^{into several types} according to the organs which issue them. The division of acts into types is predetermined by the Stalin Constitution, in which it is ^{specially} indicated ^{precisely} just what administrative acts are issued by the Council of People's

Commissars, the people's commissariats, the Soviets and their executive committees. ^{With regard characteristic} According to this, there are the following divisions: ukases ^(ukazy) of the presidiums of the supreme soviets; decrees ^(postanovleniya) and ^{orders} ^(rasporiyazheniya) of the councils of people's commissars; orders ^(priказы) and instructions ^(instruktsii) of the people's commissars and the directors of independent ^{main} chief administrations, ^{committees,} and commissions of the councils of people's commissars; resolutions ^(resheniya) and ^{orders} ^(rasporiyazheniya) of the local soviets and their executive and ^{managerial} control ^(rasporiyaditelnye) organs.

a) Ukases of the Presidium of the Supreme Soviet. The Presidium of the Supreme Soviet is the highest organ of ^{state authority} government ^{performs} and carries out a number of ^{managerial} executive and regulatory functions. Ukases of the Presidium of the Supreme Soviet on the division of ^{commissariates,}

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agency

the transfer of enterprises from one ^{government} ministry to another, the division of krays and oblasts, ^{and} the awarding of the ~~the~~ top awards to persons for service to the country are administrative acts. Ukases are the highest administrative acts, for they ^{are issued on matters within} deal with ~~questions treating~~ the competence of the highest organ of governmental authority and possess supreme legal force in comparison with other administrative acts. Execution of the ukase is compulsory for all the lower ^{organs of} authority ^{and administration.} governmental and administrative-organs. ^{There is no administrative or} governmental organ other than the Supreme Soviet ^{of administration or authority} which can modify, suspend or annul a Ukase of the Presidium of the Supreme Soviet.

Ukases are also compulsory for the Government.

^{One special type of ukase is an ~~interpretation~~ (akt. tolkovaniya zakona) interpreting the law, explaining the law, are a special type of ukase. The ^{rules} explanation does not create new ^{interpretation} standards of right which do not come from the law. The explanation means an ^{obligatory} compulsory interpretation of the meaning and content of a law so that the law will be correctly applied in unforeseen circumstances. ^{Right to interpret} The to explain the law belongs, as is known, ^{alone} only to the Presidium of the Supreme Soviet.}

Ukases of the ~~the~~ Presidium of the Supreme Soviet are divided into

two groups: 1) ^{subject to confirmation by the Supreme Soviet} ukases subject to confirmation by the Supreme Soviet (appointment to duty and release from duty of people's commissars, the formation of new krays, oblasts, and autonomous republics, subdivision of people's commissariats, formation of new and abolition of existing people's commissariats); 2) ^{not requiring the subsequent con-} ukases not requiring the subsequent con-

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^{approval of}
~~firmation of the Supreme Soviet~~ (the awarding of orders and the

deprivation of orders, ^{the} awarding of honorary titles, the appointment and recall of the authorized representatives of the USSR abroad, etc.).

The ~~cases~~ of the Presidium of the Supreme Soviet can be divided into two groups according to their ^{judicial} legal aspects: 1) general, that is those which establish general rules (for example, on swearing in personnel of the army and navy, on the length of active service in the Navy, on ~~the~~ establishing the medal "Hero of the Soviet Union", on responsibility for ^{unauthorized departure} voluntary resignation from an enterprise, etc.) and 2) ^{particular} ~~individual~~, that is, ~~having~~ those which have to do with ^{individual} separate phenomena (for example, on the transfer of the Dubno ~~factory~~ plant manufacturing sanitation equipment ^{cut} from the jurisdiction of under the People's Commissariat of Local Industry to the jurisdiction of the People's Commissariat of Industrial Construction Materials, on the division of the People's Commissariat of Water Transport into two people's commissariats--of the River Fleet and of the ^{Maritime} ~~Ocean~~ Fleet--on the rewarding of the builders of the Fergana Canal, etc.).

b) Decrees (postanovleniya) and ^{orders} ordinances (rasporiazheniya) of the Council of People's Commissars. The Council of People's Commissars is the highest executive and ^{managerial} regulatory organ of the government. The Council of People's Commissars issues decrees and ^{orders} ordinances, as Art. 66 of the Constitution of the USSR says, "on the basis of and in

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execution of ^{orders} operating laws". The decrees and ordinances of the Council of People's Commissars of the USSR are also based on the ukases of the Presidium of the Supreme Soviet. The ukases of the Presidium of the Supreme Soviet of the USSR (for example, on the transfer of enterprises from one ^{government agency} ministry to another, on the subdivision of people's commissariats, etc.) are the basis for the specific measures of the Council of People's Commissars.

The Presidium of the Supreme Soviet of the USSR nullifies decrees and ^{orders} ~~ordinances~~ of the Council of People's Commissars of the USSR "in case they are not in agreement with the law" (Art. 49 of the Constitution of the USSR).

Acts of ^a ~~the~~ councils of people's commissars are compulsory in the corresponding territory of the USSR, and union, ^{republic, or} autonomous republics, ^{as the case may be.} The Council of People's Commissars of the USSR can not nullify an act of a council of people's commissars of a union republic if it is contrary to a decree of the Council of People's Commissars of the USSR. It has only been given the right to suspend decrees and ^{orders of councils of} ~~ordinances of the~~ people's commissars of the union republics with regard to sections of the administration and of the economy which are within the ^{jurisdiction} ~~competence~~ of the USSR (Art. 69 of the Constitution of the USSR). The right to annul such acts belongs to the Presidium of the Supreme Soviet of the USSR or to the presidium of the supreme soviet of the union republic.

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The Council of People's Commissars of the USSR can suspend, modify, ~~and~~ or even ^{annul} ~~amend~~ an act of ~~the~~ a people's commissar of the USSR.

The Councils of people's commissars may only suspend acts of the local Soviets, but they ~~may~~ have the right to modify or annul in their entirety acts of the executive committees of the local Soviets.

Like other acts of governmental administration the acts of the Council of People's Commissars ~~of~~ are divided into two groups according to juridical properties: with respect to legal aspects: 1) general and 2) individual ^{particular}

c) Acts of the State Committee on Defense. It has been previously stated that the State Committee on Defense, which was created July 30, 1941, had the whole plenary authority of the state concentrated in its hands. This means that, ^{resolutions and orders of the} ~~the decisions of the~~ State Committee on Defense must be executed unquestioningly by ~~all citizens and all Party, Soviet, Young Communist, and military organs, must unquestioningly execute the decisions and ordinances of the State Committee on Defense.~~

d) Acts of people's commissars. People's commissars issue orders (prikazy) and instructions (instruktsii). As a rule, orders consist of ~~prescriptions~~ ^{particular} instructions of the individual type (for example, on the work of the head of a railroad station, on the appointment of a certain person to the position of chief engineer of a factory, ^{and so forth} etc.). The Instructions (instruktsii)

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of the people's commissars contain ~~xxxx~~ ^{rules} standards of the general type (for example, instructions of the People's Commissariat of Justice of the USSR "On the Order in Which Complaints about Inaccuracies in the Voting Lists Are to Be Taken Up by the People's Courts", and so forth). The resolutions of the collegium of a people's commissariat go into effect ^{upon approval by} ~~with the consent of~~ the people's commissar and are ^{issued} ~~put~~ in the form of his order. In case of a ~~disagreement~~ difference of opinion between the people's commissar and the collegium, the people's commissar puts his own decision in effect, reporting to the Council of People's Commissars that there has been a difference of opinion; the members of the collegium, for their part, may appeal to the Council of People's Commissars.

Acts of the people's commissars of the USSR must be in agreement with the laws, decrees, and ^{orders} ~~ordinances~~ of the ~~People's~~ Council of People's Commissars of the USSR, and ^{acts} ~~acts~~ of the people's commissars of ~~the~~ ^a union republics must, in addition, be in agreement with the ^{both} ~~decrees and~~ ^{orders} ~~ordinances~~ of the council of people's commissars of the union republic ^{and} and the orders and instructions of the corresponding people's commissars of the USSR.

Orders of People's Commissars of All-union commissariats are either ^{issued} ~~sent~~ directly to the directors of enterprises, establishments, and so forth, or ^{go} ~~through~~ the directors of the intermediate links (trusts, ~~business~~ amalgamations [ob"yedineniya]).

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✓ The People's commissars of the union-republican people's
^{of the USSR} commissariats, ^a issue, for the most part, acts of ^{character,} the general type,
^{so far} in ^{as much} as they administer directly only a definite, limited
 number of enterprises and establishments, administering the
^{union republican} rest through the people's commissariats of the ^{same name.} union republics,
^{particular} having the ~~same name~~. As a rule, individual acts are sent directly
^{immediately} to the directors of the ^{in their relationship} subordinate organs; ^{acts with respect to}
^{parts} the rest of the organs are of a directive nature, that is, they
^{rules.} contain ^{character.} standards of a general type.

For the most part acts of the people's commissars are sent to
^{their agency} separate ~~and~~ sections of the ministry in question or to their
 officials. Several people's commissars have the right to ^{establish} set up
^{rules.} standards the ^{implementation} execution of which is compulsory for other organs
 and citizens of the USSR. For example the People's Commissar of
^{health} Health has the right to set up ^{sanitary} regulations compulsory for
 all other governmental organs and citizens; the People's Commissar
^{Trade} of Commerce establishes trade regulations which are compulsory for all,
 and so forth. Whenever general regulations the observance of which are
 compulsory for all are established by an act of a people's commissar,
^{approval} confirmation of the act by the Council of People's Commissars ^{of the USSR} is
 required.

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A council of people's commissars can modify and annul an order or instruction of a people's commissar. A higher people's commissar has been given the right to ~~nullify~~ annul the acts of a lower ^{of the same kind} people's commissar if they contradict an order or instruction of the former. For example, the People's Commissar of Health of the USSR can annul an act of the People's Commissar of Health of a union or autonomous republic. A higher people's commissar can also annul an ~~act~~ order or instruction of a lower commissar if it ~~is contradictory~~ contradicts a law or decree of the Council of People's Commissars of the USSR.

Acts which are issued by directors of committees, commissions, and main administrations ^{attached to} ~~of~~ councils of people's commissars do not differ in any respect from orders and instructions of people's commissars: they have the same features and juridical properties.

e) Acts of local Soviets and their executive and ^{managerial} ~~regulatory~~ organs. The Soviets issue resolutions (resheniya) ^(acts of a general character) or orders (rasporuyazheniya) (acts of an individual character). These acts are issued on the basis of and in execution of the laws of the USSR, the laws of the union and autonomous republics, and the decrees and orders (rasporuyazheniya) of the Council of People's Commissars. Each local organ can issue resolutions and orders only within the limits of the rights given it.

The executive committees of the local Soviets have this right.

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~~may~~ to issue acts on the basis of and in execution of laws and acts

of the Government. ~~The~~ Executive committees ^{may} ~~may~~ not substitute for

Soviets, and therefore acts of executive committees enacted in which infringe on ^{the sphere of authority} violation of the competences of local Soviets can not be recognized as legal.

Acts approving the national economic plan or the economic and cultural plan ^{of economic and cultural development for} the territory of ^{a given} the Soviet in question, the budget of the Soviet in question, ^{election of an} the nominees ^{offices} ~~of the~~ of the executive committee, the formation of ^{divisions} ~~administrations~~ and administrations, the annulment of resolutions and orders of the lower Soviets are issued

by the Soviets. The executive committee of the Soviet can consider

the plan, the budget, the formation or liquidation of ^{offices} ~~divisions~~, and administrations, but the final decision belongs only to the Soviet, ^{alone} in ^{so far} ~~as much~~ as these ~~may~~ matters are exclusively within the ^{sphere of authority} competence of the Soviets.

An ~~The~~ executive committee cannot annul the resolution of a lower Soviet. The executive committee, for example, of a kray Soviet does not have the right to annul the resolution of a rayon or city Soviet. The right to annul ~~the~~ resolutions ^{or orders} of a Soviet belongs exclusively to the higher Soviet, and not to its executive committee.

Here ^{following} the general principle ^{operates:} is in operation: the resolution of an governmental organ of ^{authority} ~~power~~ is annulled only ^{by} a higher governmental organ ^{of authority} and not by its executive or ^{managerial} regulatory organ. Executive and

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^{managerial}
regulatory organs may only suspend an act of a lower governmental
organs of authority.

A local Soviet can not annul or suspend an act of a higher organ
of branch administration. A rayon Soviet, for example, can not annul
or suspend an order or instruction of the chief of a kray financial
administration, ^{similarly,} since the chief of the ^a kray financial administration
can not annul or suspend ~~any order or instruction of the chief of~~
the resolution or order of a rayon Soviet, even if it is contrary to
his order. The right of annulment ^{and suspension} in such cases is not given either
to the local Soviet or to the kray financial administration. In

such cases the local Soviet or the chief of the kray (oblast) administration
^{goes} turns to the kray (oblast) Soviet or its executive committee. ^{Which ever of} The latter, ^{within} within
the limits of the rights given it, either annuls the resolution of the local
Soviet or suspends it, or ~~annuls~~ ^{annuls} the order of the chief of a kray
(oblast) administration.

^{Obligatory decisions}
f) ~~Compulsory decrees~~ /obvazatel'nyye postanovleniya/ (resolutions

^{come under}
resheniya) have to do with a number of acts of a general character.

Since the right to issue ^{obligatory decisions} ~~compulsory decrees~~ is also given to several
central organs of governmental administration, we shall consider now
the subject of their issuance both by Soviets and by their executive
committees and by the central organs of the governmental administration.

^{Obligatory decisions}
~~Compulsory decrees~~ (resolutions) are a special group of acts
issued by the governmental organ authorized ~~for this purpose~~ to
issue them and establishing for the whole population or for certain
sections of it or for establishments, enterprises, and organizations
certain obligations, nonobservance of which may be dealt with either

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administratively (reprimand, fine, or corrective labor) or in

appropriate cases with a court order. The authorization of organs of authority and administration to issue procedure and administrative organs in issuing these acts and also the order of

their adoption and promulgation is regulated by special legislation.

The following have the right to issue ^{obligatory decisions:} compulsory decrees:

the People's Commissariat of Transportation, the People's Commissariat of the River Fleet, the People's Commissariat of the ^{Maritime} ~~Sea~~ Fleet, the Main Administration of the Civil Air Fleet, the People's Commissariat

of Communications, the Committee for the establishment of radio

communication facilities and radio broadcasting of the Council of

People's Commissars of the USSR, the Central Administration of ^{Measures} ~~Weights~~

and ^{Weights Attached to} ~~Measures~~ of the Council of People's Commissars of the USSR, the and

local Soviets and their executive committees. ^{Sections} ~~Divisions~~ and administra-

tions of executive committees do not have the right to issue

^{obligatory decisions.} compulsory decrees.

For each organ which has the right to issue ^{obligatory decisions} compulsory decrees

the range of matters with regard to which it can issue such ^{decisions} decrees

is specified exactly. The higher the Soviet the broader the range

of matters with regard to which it is competent to issue ^{obligatory} compulsory decisions.

decrees. In the RSFSR, according to the Regulation of March 30, 1931

(Sobranie zakonov RSFSR /Collection of the Laws of the RSFSR/ in-

1931, No. 17, Article 186), the kray (oblast) Soviets of autonomous

oblasts and their executive committees can issue ^{obligatory decisions} compulsory decrees

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"on all matters within their competence"; the rayon executive committees may issue ^{obligatory decisions} compulsory decrees with regard to maintaining ^{preserving} order, ^{safe guarding} the peace, ^{maintaining} the health of the population (observation ^{compliance} of sanitary regulations, improvement of the sanitation of populated places, ^{combating disease} struggle with illnesses), maintenance of public lawns, gardens etc., ~~provisionally~~ keeping parks, ~~and~~ gardens, etc., clean and neat, regulating the ~~times~~ hours public places (theaters, motion pictures theatres, clubs) open and close, ^{and} regulating the operations of public utilities and certain other enterprises; village soviets may issue ^{obligatory decisions} compulsory decrees with regard to ^{preserving} maintaining the order, peace, the sanitary upkeep of places used by the public, cisterns, and wells, ~~fire regulations~~ the adoption of fire-prevention measures, the struggle with damage to ~~x~~ fields caused by cattle, damage to meadows and sown fields, ^{combating} the struggle with agricultural pests, etc.

The people's commissariats and other of the above-mentioned central organs of governmental administration issue compulsory ^{obligatory decisions} decrees with regard to a comparatively small range of matters (the People's Commissariat of Transportation ^{issues obligatory decisions} with regard to the security of movement and property of transport, taking sanitary and fire-prevention measures, etc., the People's Commissariat of ^{issues obligatory decisions} Communications ^{with} ~~the~~ regard to the ~~p~~ maintenance of lines of communication of general use ^{and of radio broadcasting} and the construction of same,

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the Main Administration of the Civil Air Fleet issues ^{regulations} rules regulating the use of civil aviation and civil lighter-than-air craft, and the Central Administration of Measures and Weights ^{issues regulations} with regard to ^{metrology,} meteorological ~~matters~~ matters and testing, and measurement).

The issue of ^{obligatory decisions} compulsory decrees is carried out on the basis of the following ~~law~~ rules:

^{One,} First, the local Soviets and the corresponding central organs of governmental administration which are given the right to issue these ^{obligatory decisions,} compulsory decrees, can not transfer their authority to lower organs.

^{Two, obligatory decisions} Second, compulsory decrees may be issued only by the organs authorized to issue them ^{only upon} and ~~within the limits of~~ those matters which they are ^{authorized} permitted to ~~xxxxxx~~ treat.

^{Three, obligatory decisions} Third, compulsory decrees ~~may not be issued~~ providing for criminal or disciplinary ~~transgressions~~ penalties for the violation of their prescriptions may not be issued ^{on matters} with regard to which higher ^{organs of authority} governmental and administrative organs have decrees. The exception to this rule is granted when there ^{are} is a direct ^{obligatory decisions} instruction on the issuing of compulsory decrees in the decrees of the higher organ or when ~~sanction is not provided for in these~~ decrees ^{do not provide for penalties.}

^{Fourth, obligatory decisions} Fourth, compulsory decrees are issued by the Soviets and their

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executive committees for a period of no more than two years, and
by the central governmental organs for a period of no more than a
year. After the elapse of the indicated time, ^{obligatory decisions} ~~compulsory decrees~~
are no longer in force and requiring anyone to answer for their
violation is illegal.

^{Five obligatory decisions}
~~Fifth compulsory decrees~~ enter into force, as a rule,
fifteen days from the day of their promulgation. In certain
instances ^{when there is} ~~with~~ exceptional urgency and ⁱⁿ ~~with~~ regard to specific
matters (^{combating} ~~struggle with~~ elemental disasters, epidemics among
people and animals, the need to quarter troops passing
through ^{a place} ~~etc.~~), ^{obligatory decisions} ~~compulsory decrees~~ can enter into effect from
the moment of their promulgation.

Sixth, ^a ~~the~~ sanction in complete agreement with the law
must be ^{specified} ~~indicated~~ in the ^{obligatory decision: warning} ~~compulsory decrees: reprimand, fine,~~
or compulsory work, ^{and answerability to the courts,} ~~judicial penalty~~, if it is provided for in
the criminal ^{law} ~~legislation~~ (see, for example, art. 75, 133 and
192 of the Ugolovny kodeks RSFSR /Criminal Code of the RSFSR/)

Seventh, ^{obligatory decisions} ~~compulsory decrees~~ must be duly executed and ~~in~~
must contain in each case: 1) the ~~designation~~ ^{obligatory decision} title of the
~~compulsory decrees~~ 2) the name of the city Soviet or executive
^{3) the year, month and day of the month when issued}
committee issuing it, 4) the serial number 5) specification of
the territory in which it is operative 6) enumeration of the
categories of persons, establishments, enterprises, and

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7) list of the obligations ^{to which the obligatory decrees have to do} ^{for violation of} ^{decision}
 organizations with which the compulsory decree has to do
 9) specification of the ^{obligations} which have the duty of checking on the execution of the obligatory decision

10) specification of the period for which it is in effect and

the date it enters into force 11) the signature of the

chairman of the Soviet or executive committee or the signatures of

his deputy and secretary.

Special mention should be made of decisions
~~Decrees compulsory~~ ^{obligatory} for the whole population and issued by

military authorities in places declared under martial law

~~must be specially separated out~~ (see Ukase of the Presidium of

the Supreme Soviet of the USSR of June 22, 1941 "Martial Law").

^{decisions}
 These decrees may be issued with regard to labor (trudovaya)

and transport ^{providing} (avtoguzhevnaya) duty of citizens for military

^{the duty to house military personnel} ^{the taking over} ^(12 "YATIV")
 needs, military-quartering duty, withdrawal of the means of
 of transport means ^{property} transportation and other ~~things~~ necessary for defense, ^{the} regulation

of the work of establishments, enterprises, theaters, motion-

picture theaters, ^{the} limiting of street ^{traffic} movement, regulation of trade

and the work of trade organizations and communal enterprises,

establishing the ^{regulations} standard for ^{the} release of food and industrial

goods to the population, ^{the} prohibition of entry into certain places

and of exit from them, ^{the} removal ^{by administrative procedure} of persons deemed socially

dangerous from certain places.

For violation of the listed ^{obligatory decisions} ~~compulsory~~ decrees an increased

penalty has been established--deprivation of freedom by administrative

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procedures for a period of
 order up to six months or a fine of up to 3000 rubles. Guilty
 persons may ^{also receive} ~~be~~ criminal penalties if the case is
 assigned ~~xxxxxx~~ to a military tribunal. In the case of nonpayment of
 fines imposed for the ~~xxxxxx~~ nonexecution of ^{obligatory decisions,} compulsory decrees,
 after a three-day period they are exacted compulsorily ^{through judicial procedure,} by court
 * judicial order.
 No ~~an~~ inventory of the property and its realization are conducted ^{by the court} ~~xxxxxx~~
 in accordance with the court ⁱⁿ on the basis of a judicial decision on the ^{case.} ~~xxxxxx~~ matter by the
 court executor.

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4. Measures Insuring the Execution of Acts of Governmental Administration

Soviet governmental administration is carried out both by organization, accounting, ^{checking,} ~~central,~~ planning, and supervision, ^{as well} and by applying compulsion when necessary. Soviet administrative

law does not exclude compulsion, but it is applied only when ^{the law} law is not conformed to, ^{is} the standards of law are not observed, when a law established ^{made} by the ^{government} is violated.

It is impossible to deny the necessity of administrative compulsion, because law is not always conformed to voluntarily.

We still have among us remnants of petty bourgeois anarchism and disorganization, ^{producing} ~~giving birth to~~ violations of the socialist legal order.

Compulsion in the USSR is directed against disorganizers and violators of the law. This compulsion is applied to protect the interests of the absolute majority of the population voluntarily and consciously executing ^{made} ~~the laws~~ established by the government. Measures of compulsion can not be applied arbitrarily under the Soviet system: ^{the} governmental organs apply them in cases strictly specified by law, and within the rights given to them.

Measures of administrative compulsion may be divided into two groups: ^{one} first, measures involving an administrative penalty

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(admonition)
~~(reprimand)~~, fine, corrective labor, confiscation) and second, ^{two,}

measures of administrative compulsion (arrest, administrative
 sanitat~~y~~ ^{sanitary} ~~and~~ ^{/administrativno-sanitarnyye/} and administrative
 technical ~~measures~~ ^{/administrativno-tekhnicheskiye/} measures
 of compulsion, seizure ^[zaderzhanie] ^[arest] and attachment of property, requisition).

The application of measures involving administrative penalties
 is based on the following principles established by

Soviet administrative law:

1) Administrative penalties are imposed upon a person guilty
 of violating the law: ^{if the offender is not to blame} ~~in the absence of fault in the actions~~
^{for the acts,}
~~of the violator~~ ~~if the~~ the administrative penalty is not
 imposed;

2) Ignorance of ^{the} law, as a rule, does not free one from
~~being~~ being held to account for its violation;

3) An administrative penalty may be ~~applied~~ imposed for
 a law violation in which there are no signs of a criminally
 punishable deed. ^{An administrative} ~~A criminal~~ penalty may not be substituted
 for ~~administrative~~ criminal punishment; likewise,
 it is not permissible to hold ^{try a} a person ^{under criminal procedure} ~~criminally~~ accountable
 for an administrative ~~violation~~ violation when
 the law calls for administrative ^{accountability.} ~~liability.~~

There are the following types of administrative penalties:

~~Admonition~~ (preduprezhdeniye).
~~Reprimand~~ in art. 18 of the Regulation of the RSFSR of

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March 30, 1931 on the issue by local executive committees and

Soviets of ^{obligatory} compulsory resolutions and ^{decisions, admonition} decrees, ~~the reprimand~~

is considered an administrative penalty (Sobranie zakonov)

Collection of Statutes 1931, No. 17, art. 186). The reprimand ^{Admonition}

is a type of administrative penalty which does not involve

a fine or other deprivation of property. ~~"The reprimand,"~~ ^{"Admonition,"}

art. 20 of ^{this} ~~the said~~ Regulation states, "is applied only to

an offender from the ^{toiling masses} ~~laboring class~~ in the case of an

unimportant violation when the offender is insufficiently

informed, etc. In practice, this penalty is infrequently applied,

as compared with the application of other administrative penalties

for the violation of ^{obligatory} compulsory resolutions ^(decisions) ~~(decrees)~~.

The fine is a type of property penalty for violation of
laws ^{made} established by the ~~state~~ government. By imposing the a
fine the governmental organ ^{compels} ~~forces~~ the offender to ^{conform to} ~~observe~~ the
law and thereby keeps the legal order from being violated.

In obtaining exact and ^{absolute} ~~unconditional~~ ^{conformity to} ~~observance of the~~

law, the Soviet government tries to set maximum limits ^{on} ~~to~~ the
^{employment} application of the fine ^{under} ~~by~~ ^{procedure} ~~administrative order~~. On January 4, 1928

a decree of the Central Executive Committee and the Council of

People's Commissars of the USSR entitled "Limiting the Imposition of

Fines by Administrative ^{Procedure} ~~Order~~" (Sobranie zakonov) Collection of

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was issued
 Laws/ 1928, No 5, art. 42) *under* The imposition of penalties *of* administrative

procedure
 order is permissible if these fines are directly established by

law or *by* administrative acts not contrary to the law.

Later, on February 8, 1935 it was established that "all income from fines *which income is* listed up to 1935 in the republican and local budgets will, ~~revert entirely to~~ beginning January 1, 1935, *all-union public* revert entirely to the ~~social~~ budget, with the exception of fines for damaging forests in ~~regard to~~ the RSFSR" (Sobraniye

zakonov /Collection of Laws/ 1935, No. 8, art. 71). This

measure played a positive role in the regulation of the imposition of fines.

The decree of the Central Executive Committee and the Council of People's Commissars of the USSR of April 11, 1937 "The *Abolition* ~~Annulment~~ of ~~the~~ Administrative Procedure and the Establishment of Judicial

Procedure in the *Confiscation* ~~Taking Over~~ of Property in ~~Wiping Out~~ *Back to Cover*

Arrears of State

Debts ~~With Respect to~~ Government and Local Taxes, Compulsory

Farm ~~Normal~~ *(okladnoye strakhovaniye)* *which covers all farm property including buildings, livestock, crops, etc.*

Tax Insurance, Compulsory ~~Natural~~ Deliveries, *in kind* and Fines from

Collective Farms, Home-Industry Artels, and *of individual* Other Citizens"

(Sobraniye zakonov /Collection of Laws/ 1937, No. 30, art. 120) annulled the order

~~existed~~ in operation until then *which had been* taking over property by *means of*

~~procedure~~ administrative orders of tax and procurement organs, ~~agricultural~~

village soviets, and rayon executive committees. According to *the* 1937

~~this~~ law property may be taken over in payment of ~~to wipe out~~

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^{arrears} ^{of}
~~back-debts with regard to~~ taxes, pledges, and fines only ~~by~~

~~in accordance with~~ ^{by} a decision ^{of} by a people's court. The law requires

the organs of governmental administration to deliver a written

warning of ^{arrears} ~~back-debts~~ no less than 10 days before the ~~back~~

arrears case goes to court. The case is dropped if the debtor

pays up his arrears before the hearing. ^{A writ} ^{order court decision on the}
~~The decision loses~~

^{taking over of property loses}
^{force} (with respect to ~~xxxxxx~~ back court charges of from 3 to

10 rubles), ^{if} the arrears ^{are} ~~will be~~ paid up in the 10 days following

^{order}
the court decision.

Fines may be imposed on individual citizens, on officials,

and in certain cases also on organs of governmental administration

and on enterprises. Fines imposed on officials may not be transferred

to the organs in which these persons work. The official ~~spays~~

a fine out of his own (personal) ~~means~~ resources.

^{There are some exceptions} ^{when a fine}
~~In some cases a fine in the form of an exception~~ may be

imposed upon an organ or enterprise as a whole (for nonpresentation of,

~~or~~ late presentation of ~~1~~ monthly accounts, quarterly information,

balances, ^{annual} ~~yearly~~ reports on turnover, and other data ~~required by~~

ordered by the financial organs, and for violation of the

~~established sanitary regulations~~).

~~In the application of imposing fines the above mentioned~~
described above on

principles of the application of administrative penalties are held
in the imposition of fines:

to ^{In addition, in imposing fines for the violation of} ^{obligatory} ^{compulsory}

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decisions
~~decisions~~ the following requirements must be met:

The fine may be imposed no later than a month from ~~the~~ the day the violation was committed; *after period* ~~during this time~~ the case is ~~subject to dropping~~ *dropped*.

A fine may not be imposed if ~~the~~ a case of violation of a ¹
~~compulsory decree~~ *obligatory decision* has been given to the courts for consideration.
 This emphasizes the principle of Soviet law that *for the same violation,* an administrative penalty can not be imposed ~~at the same time and for the same violation~~ at the same time a criminal penalty is applied. If ~~judicial~~ the judicial organ returns the case ~~for consideration~~ to the administrative branch for settlement, the organ of governmental administration can ^{*employ*} ~~apply~~ an administrative penalty measure in

¹
 Art. 13 of the above-mentioned Regulation states: "In ~~each~~ every *obligatory decision* ~~compulsory decree~~ accountability for its violation to either the administrative ^{*order or to the courts*} ~~or judicial branch~~ must be provided for. Accountability to the courts ^{*exists*} ~~is required~~ in those cases in which it is provided for by the Criminal Code of the RSFSR" (see art. 192 of the Criminal Code of the RSFSR).

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the form of a fine.

The amount of the fine ~~fine~~ ^{set} may be ~~set~~ ^{stated} in two ways:

1) ^{by} specification of ~~x~~ the maximum sum up to which a fine

may be imposed (for example, up to 100 rubles for violation of ~~x~~

~~obligatory decisions~~ ^{obligatory decisions} of krais, rayons, and city Soviets and

their executive committees, ^{and} up to 300 rubles for the

violation of ~~the~~ fishing regulations); 2) ^{by} specification of

~~a multiple relation of~~ the amount of the fine as a multiple of

the cost in question (for example, for ~~deviation from the~~ ^{nonfulfillment of} ~~contract~~ ^{evading the}

^{duty to contribute} ~~labor partnership in expensive~~ ^{to road} construction ~~work~~ ^{the fine} which should have been performed;

is twice the ^{value} ~~cost~~ of the ~~unfulfilled work~~ ^{for}

illegal, unauthorized, ^{veterinary} ~~veterinary~~ supervision, ^{of} ~~and~~ the slaughter of

a horse belonging to a ~~peasant~~ ^{farmer} as an individual; a

fine ten times the cost of the horse in local state procurement

values is imposed).

If the limits of the fines for certain violations are not

specified in the law, the amounts of fines administratively

imposed may be set: a) by ^{government agencies} ~~ministries~~ of the USSR for violations

of ~~administrative~~ ^{obligatory decisions of government agencies} instructions and ~~decrees of ministries~~ ^{at} no more than

100 rubles; b) by ^{government agencies} ~~ministries~~ of the union republics, local

executive committees and city Soviets for violation of their

^{obligatory decisions} ~~compulsory decrees~~ within the limits established by the ^{law} ~~legislation~~

of the union republics, but ^{at} ~~no~~ more than 100 rubles; c) by

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village and soviets for violation of their ^{obligatory decisions} compulsory decrees--within the limits established by the legislation of the union republics, but at no more than 10 rubles.

Higher fines are permitted for certain ^{classes} categories of offenses.

For example, the Chief State Sanitation Inspector of the USSR can impose fines up to 500 rubles for violation of the sanitary ~~hygiene~~ ^{and health} regulations. Fines up to 1000 rubles may be imposed for violation of the technical regulations for operating a radio plant. In areas declared under martial law the military authorities may impose fines up to 3000 rubles.

The penya, a special type of fine (shtraf) levied by administrative procedure must be distinguished from the fine (shtraf). The penya is a certain percent of the unpaid sum for late payment of taxes, rent, etc. It is characteristic of the penya that it is usually proportional to the ~~percentage of time~~ length of time the payment is overdue.

The Council of People's Commissars of the USSR established a penya of 0.05% for each day overdue for all ^{late} overdue payments of ~~the organs~~ economic ~~organs~~, and of 1% per day for rail and water transport ~~shipments~~.

With respect to late payments for communal services, renting ~~(co-naymu)~~ ^{overdue} for living and other accommodations residential and nonresidential houses and rooms, apartment rent, rent ~~(arendnyy platy)~~ for residential and nonresidential houses

and accommodations, and also for plots of land in cities, a penya

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of 0.05% ~~is assessed for each day the~~ for each day the payment is overdue is assessed ~~government~~ state, cooperative, and social enterprises and organizations, and 0.1% ^{is assessed} ~~for~~ individual citizens.

The next type of administrative penalty is ^(prinuditel'nyye raboty) ~~forced labor~~ ^{compulsory work}, which is employed when ^{an obligatory decision is disobeyed.} ~~a compulsory decree is violated.~~ ~~Forced labor~~ ^{under} ~~in~~ administrative procedure ^{Compulsory work} ~~is employed~~ both as an independent penalty measure and as a measure substituting for a fine not paid by ~~an offender.~~ an offender.

^{Under normal conditions} ~~In ordinary circumstances,~~ in the Soviet system, the fine, ~~as a~~ rule, deprivation of ~~freedom~~ ^{not, as a rule,} may ~~be~~ substituted for a fine, and similarly, a fine may not be substituted for deprivation of freedom. ^{Compulsory work} ~~Forced labor~~ is by no means deprivation of freedom. In areas declared under martial law the military authorities may establish, for nonexecution of ^{an obligatory decision,} ~~a compulsory decree~~ punishment by administrative procedure in the form of deprivation of freedom ~~for up to~~ ^{six} months or a fine of up to 3000 rubles.

A person upon whom a penalty in the form of ^{compulsory work} ~~forced labor~~ has been imposed, ^{pays} fulfills it, as a general rule, at his place of ^{employment} ~~work~~ or in the place where he lives. ^{Compulsory work} ~~in forced labor~~ for violation of ^{obligatory decisions} ~~compulsory decrees~~ is employed comparatively seldom in practice in governmental administration.

One of the types of administrative penalty is confiscation,

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(konfiskatsiya), that is, the forced transfer of property to the government without compensation, which is ^{carried out} ~~done~~ in cases specially ^{specified} designated by law on the order of governmental organs authorized to ~~do so~~ ^{execute this penalty}.

From the legal standpoint confiscation is different from a fine. While both the fine and confiscation are forms of the property penalty employed in administrative procedure, there is an essential difference between them. Confiscation in administrative procedure is an act the ~~subject of which is certain~~ subject of which is certain property at hand. A fine, while it is a type of property penalty, ^{is not restricted to the value of} ~~may have to do, not only with~~ property at hand, but also with property ~~to be acquired in the future~~.

Moreover, the law makes it possible for an official or organ of administration to impose, ~~within the limits of the maximum sum~~ ^{depending on} ~~independently of~~ the seriousness of the administrative offense, ^{assets} ~~of the~~ material position of the ~~offender~~ and ^{up to} of other circumstances, a fine ~~within the limits of the established~~ maximum sum. In other words, with a monetary fine the specific sum may vary (within the limits of the established maximum sum) ^{depending on} ~~independent~~ ^{on the other hand,} the of circumstances. In confiscation of property, the official or organ of administration is deprived of the opportunity to set any limits on confiscation: usually all illegally acquired and illegally retained property is confiscated. In other words, with confiscation

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variation
there can be no ~~modification~~: ~~confiscation~~ ^{amount of} the ^{confiscable} property is ^{definitely} fixed.

Finally, acknowledgement that the fine has been imposed wrongly does not give the right to institute proceedings for ^{damages} ~~compensation of material loss~~, while with illegal confiscation by administrative procedure, the person who has suffered the loss may institute proceedings in the courts for ^{damages} ~~compensation of material loss~~.

According to ~~existing~~ Soviet law ^{currently in force} confiscation is carried out, as a rule, ^{upon} ~~ex parte~~ ^{prigovor} according to a decision by a court.

In addition several organs of governmental administration have been given the right to confiscate by administrative order. ~~(razporozheniye)~~.

On these grounds:

1) the customs house has the right to confiscate articles of contraband ^{which have been seized or exposed} ~~whether held back or displayed~~, ~~xxxxxx~~ conveyances designed for the ~~transport~~ transport of articles of contraband, and also articles ^{found} ~~revealed~~ during ^{customs} inspection of postal packages ^(articles) which are forbidden entry or which are registered under a ^{description} ~~xxxxxx~~ not their own, or which are not ^{mentioned} ~~specified~~ at all in the declarations;

2) the organs of the People's Commissariat of Transportation ^{and the Moscow Subway} ~~are~~ (IN-Rail-transport ^{the only form of transport under this} commissariat) have the right to confiscate articles ^{conveying of} ~~the~~ ~~xxxxxx~~ which is forbidden in the interests of ^{public order} ~~maintaining the peace~~ and the national health, if such articles are discovered on the

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~~ways of communication~~ (TN railroads) during the journey;

3) the organs of communication, (includes ~~only~~ post, telegraph,

send through the mail if they are discovered while being conveyed

through the mail, and also articles which may be ^{sent} ~~shipped~~ through the

mail by special license in any ^{case} ~~instance~~ instance where there is no

license;

4) the organs of the Main Administration of Literature and

Publishing have the right to confiscate publications ~~not subject to~~ ^{without} circulation; ~~not~~ have the right to be circulated.

5) the organs of communication may confiscate radio transmitters

set up without proper authorization or put in operation without prelimi-

nary registration.

Soviet law ^{closely} strictly limits confiscation by administrative

procedure and has made illegal confiscation a criminal offense.

Property illegally confiscated must be returned to its owner; if it is

not possible to return it to him, monetary compensation according to its

real worth must be given to him in place of the confiscated property.

Measures of administrative compulsion form a second group:

administrative-sanitary (administrativno-sanitarnyye),

administrative-medical (administrativno-meditsinskiye), and

administrative-technical (administrativno-tekhnicheskiye) measures

of compulsion, seizure (zaderzhaniye) and attachment (arest) of

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property, administrative ^{of} financial (administrativno-finansovyye)
(rekvizitsiya).

measures and requisition. The common feature uniting these measures

of compulsion is that they ^{are not} ~~do not belong to the measures of~~
~~measures.~~

administrative-penalty. In applying any one of the specified
measures, the organ of governmental administration only compels
the citizen ~~xf~~ or official to observe specific ~~ix~~ regulations
made by the government, but does not impose an administrative
penalty on him.

Personal detention occupies a special place ^{among} ~~in~~ the ^{specified}
measures.

Personal detention (lichnoye zaderzhaniye) should not be con-
fused with arrest (arest), which means deprivation of freedom.

According to the Stalin Constitution arrest is possible under our
system only with authorization by the public prosecutor or in
accordance with a court decree. Only in areas ^{declared under}
martial law may the military authorities ^{by administrative procedure,} ~~subject to~~ violators
of their ^{obligatory decisions} ~~compulsory decrees~~ to deprivation of freedom for a period of

6 months. ~~Personal detention only may be employed by administrative~~
~~procedure~~ ^{Under:} ~~personal detention only may be employed~~
~~order (in peace time).~~ (in peace time).

Personal detention is an act lasting for a short time (no more

than 24 hours) until the identity of the person is established and

consisting of a ^{official report (protokol)} ~~record~~ of the violation of an ^{obligatory decision} ~~compulsory decree~~ and

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the ~~xxxxx~~ handing over of the citizen to the proper organs of authority (~~organy vlasti~~) or to a court, etc.

Personal detention in the USSR is not a penalty measure, but only a means by which the proper organs of governmental administration and their officials fulfill the duties ^{with which they are charged} ~~required of them~~ in maintaining ^{order} ~~the peace~~ and state security. In our system personal detention by administrative procedure is permitted only in cases specified by law. Thus, for example, the militia has been given the right to detain persons called to account administratively in order ^{to make an official} ~~to make an official~~ ^{report (protokol) to detain} ~~make an official~~ and ~~of~~ drunken persons until they are sober. In the case of a ~~crime committed on ship~~ criminally punishable act committed on shipboard the captain of the ship must detain the guilty person in order to prevent him from ^{evading justice,} ~~avoiding being held to account,~~ and hand him over to the proper organs of authority (~~organy vlasti~~) or administration. The captain of a ship may detain a person whose conduct threatens the safety of the ship or of persons or property on it. The organs ^{guarding the borders} ~~of frontier security~~ detain violators of ^{rules} ~~the laws~~ of entry into the USSR and exit from it and also violators of the special regulations with regard to entering and leaving the border area and living there.

The measures of administrative compulsion employed by the organs ^{for maintaining} ~~to maintain~~ health and sanitation comprise a separate group:

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compulsory inspection, destruction of products found ^{unfit} ~~not fit~~ for consumption, etc. These measures are applied in the interests of preserving the national health also in cases specified by law.

Compulsory inspection and compulsory medical treatment (in case ~~reluctance~~ of refusal to undergo medical treatment voluntarily) of persons the fact of whose illness with certain diseases in the contagious period has been established, are performed by the organs for maintaining health. Compulsory medical treatment continues until the danger of infecting ^{other} ~~persons around them~~ is past.

The organs for maintaining health are also charged ~~with the~~ have the duty of ~~performing~~ giving compulsory vaccinations ~~against~~ against smallpox. It is a criminal offense to refuse to be vaccinated.

To this group of measures of compulsion belong the administrative sanitary measures of guarding the borders which are applied by the health organs: ~~for maintaining health: forbidding~~ prohibiting entry and exit to certain persons, freight, and baggage.

Organs of ^{state} ~~governmental~~ sanitary inspection can, by administrative procedure: suspend the operation of an enterprise ~~in~~ of the food industry and trade in food products until until the sanitary violations discovered by these organs have been eliminated; prohibit the use of ^{manufacturing,} ~~productive,~~ trade, warehouse, and other space because of their unsanitary condition until the necessary sanitary measures have been carried out, and prohibit the storing and use of

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food products found unfit for consumption and order them destroyed ~~of or~~
 remanufactured exclusively for ^{industrial uses.} ~~technical purposes.~~

A similar right is given state inspectors with respect to the
 quality of meat, canned goods, dairy products, ~~and~~ confectionary, ~~and~~ bakery and
 macaroni products.

The right to employ administrative ^{of} technical measures of compulsion
 is given to several governmental organs. Thus, for example, the ~~people's~~
~~commissariat~~ boards of inspection for the boiler inspection of
 several ~~industrial~~ industrial people's commissariats have the right
 to suspend the operation of ~~the~~ ^a subject of boiler inspection if
^{continued operation is a threat to}
~~the subject threatens~~ the lives or health of the workers.

The state board for automobile inspection has the right to suspend
 the operation of automobiles whose technical condition is ~~a~~ such
 that they are ~~unsafe to operate~~ ^{a traffic hazard.}

~~The~~ Seizure of property (zaderzhaniye imushchestva) is one of
 the measures of administrative compulsion. The militia exercises the
 right to seize property on the railroads and waterways for the
 purpose of discovering illegal conveying of freight, baggage, and
 hand baggage. In such cases it is ~~considered~~ an act of seizing
 freight.

~~The~~ Attachment (arest) of property must be distinguished
 from its seizure ^{of property.} Attachment of property (arest imushchestva)
 involves the deprivation of ownership or of the ~~right to~~

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possession of the right to sell, give away, or mortgage this property during the whole period of the attachment. Attachment of property is employed primarily in ^{administration in the} ~~the administrative-financial~~ field of finance.

Such measures as the seizure and confiscation (*iz'yatiye*) of money on hand out of the cash box and of monetary documents, the seizure of letters of credit given ~~by the establishment to the account~~ to a credit institution for the account of ^{an} ~~the~~ institution in arrears and ^{special} ~~personal~~ accounts opened by it may be applied to establishments, enterprises, and organizations which ^{have not been making} ~~have not paid~~ the payments to the budget which are due from them.

There may also be other ^{administrative} measures of ~~administrative-financial~~ ^{in this} field of finance.

~~procedure~~ Thus, for example, financial organs may list to the account of the budget those sums which ^{are} ~~they have~~ in the debtor establishment's ^{clearing} ~~calculated~~ (*raschetnyy*) or current ^(*tekushchiy*) account of the establishment in arrears in the credit ^{institution} ~~establishment~~, transfer to the account of the budget all ^{subsequent entries into the taxpayer's} ~~the last receipts to the account of the establishment~~ ~~taxpayer's~~ if there is not enough in the current account to pay the ^{state} ~~government~~, or pay off the ^{arrears} ~~back~~ debts at the expense of those sums which are released to the economic organ in question in budget financing procedure.

~~expenses of administrative-organizational and other expenditures~~

~~(*skladitsiya*) of property~~

~~Responsible for~~

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Requisition (rekvizitsiya) of property is a special type of administrative compulsion. It is a compulsory compensated dispossession or temporary taking by the government of property which is in the possession of ~~the~~ physical persons, or of cooperatives, or ^{of} other social organizations.

Unlike confiscation, requisition is not an administrative penalty measure. Requisition is a compensated ^{permanent,} dispossession of property, or ~~which is permanent or its taking over by the state for the period of the government's~~ ^{state} need, while confiscation is the uncompensated ^{dispossession} ~~dispossession~~ of property because of a violation by the possessor or owner of the property in question of certain laws established by the government.

Property belonging to physical persons ^{and to} cooperative and social organizations is subject to requisition, and requisition is permitted only when there is state need. The application of requisition is possible, as a rule, only ^{by} ~~with~~ authorization of the Government. In exceptional cases (for example, when there is a severe disaster caused by the elements) requisition about which the Government is ^{notified} ~~immediately informed~~ is permitted.

^{Since} ~~The admissibility of requisition only when there is a state~~ ^{is permissible only in the case} ~~its application~~ ^{compliance with} need is contingent upon a number of special requirements: with its application: the act of requisition, which is signed by ^{an} ~~the~~ official,

the owner of the property, and two witnesses, ^{must} ~~containing~~ a detailed and

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accurate description of the property; it ^{must} ~~is~~ specified exactly to

whose custody the property is being transferred; the amount of
for the requisitioned property ^{must} ~~is~~ compensation ^{be} determined by a special appraisal commission, etc.

When requisition is ~~nullified~~ ~~annulled~~ revoked requisitioned articles are

returned to their owner. If it is impossible to return them, the

(deystvitel'naya staymost')
real value of the illegally requisitioned property is paid to
the owner.

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CHAPTER VI

GUARANTEEING LEGALITY IN GOVERNMENTAL ADMINISTRATION

The observation of socialist legality, as it has been pointed out before, is a fundamental principle of Soviet governmental administration. The accurate execution of Soviet laws and the acts of governmental administration based on them is guaranteed by: 1) inspection ^(nadzor) by the organs of the public prosecutor for accurate execution of the laws by the people's commissariats and the establishments subordinate to them, both by individual ~~offici~~ officials and also by all citizens of the USSR; 2) by ^{check of on (kontrol)} ~~permanent control over~~ ^{constant supervision of} the execution of the prescriptions of the higher organs; 3) by the ^{work} ~~operation of state and ministerial arbitration~~ ^{government agency boards of} which is charged with ^{have the} ~~strengthening plan and contract discipline within state economic~~ ^{duty of} organs; 4) by appealing the illegal ^{acts} ~~actions~~ of officials.

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Supervision

Sec. 1. ~~Inspection~~ ^{Supervision} by the Public Prosecutor (Prokurorskiy nadzor)

According to art. 113 of the Stalin Constitution higher inspection ^{to ensure the strict observance}
^{for accurate} execution of the laws by the people's commissariats,

in establishments subordinate to them, individual officials, and by
 all citizens of the USSR is ^{vested in} charged to the Public ^{Prosecutor (Prokuror)} of the USSR,
 to whom ~~prosecutors~~ ^{public prosecutors} of the union and autonomous republics, autonomous

oblasts, krais, oblasts, okrugs, rayons, and cities are subordinate.

^{effectiveness} The reality of public prosecutor inspection is ^{attained} guaranteed by

the following three principles of the organization and ^{work} activity of

public prosecutors: 1) centralization in the Public Prosecutors'

Office of the USSR of the direction of ^{or} the whole system of public

prosecution organs ~~of the USSR~~ 2) independence of the public

prosecutors from ~~the~~ local organs of authority ~~(vested)~~ and

administration and 3) the right of the public prosecutor to

protest illegal acts of ~~the~~ governmental administration. These

principles were ^{advanced} introduced by V. I. Lenin in 1922 in connection with

the establishment of ~~with~~ the office of ^{the} public ~~prosecution~~ [±] prosecutor.

¹
 Lenin, Sochineniya (Works), vol. XXVII, p. 298-301, letter to
 Comrade Stalin "On 'Dual' Subordination and Legality".

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The public prosecutor sees to it that ~~xxx~~ ^{single act of any} "not one resolution or one

local authority (~~violate~~) deviates from the law". The ~~xxx~~ public

prosecutor ~~x~~ must therefore protest every illegal ^{act} resolution and

"take measures to see that the ^{interpretation of the law} understanding of ~~legality~~ has ^{is}

been established absolutely, ^{uniform throughout the} ~~equally in all~~ republics". However,

the public prosecutors do not have any administrative authority and

do not have the deciding ^{vote} voice with regard to administrative

matters. Therefore they ~~xxxxx~~ can not independently annul the

orders of administrative organs.

^{by Organs of public prosecution} The observation ~~for the~~ legality in administration is called
the observance of law in administration. This is called
^{supervision} general inspection (obshchiy nadzor). In carrying out general

^{supervision} inspection the organs of ~~xxx~~ public prosecution ~~xxx~~ keep Soviet

laws from being violated, strengthen ^{the} ~~xxx~~ socialist legal order,

protect the rights of citizens of the USSR, and insure that citizens

perform their duties.

^{The Soviet public prosecutor's office was established}
~~The protection of order and law~~ to preserve the legal order,
^{The preservation of law and order, the safeguarding of revolutionary}

legality, and the protection of the rights and interests of individual

citizens, are the object of the Soviet ~~xxxxx~~ public prosecutor's

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Ibid., p. 300

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Office.

Stalin's concern for the individual has found expression in the Constitution of the USSR, in which the basic rights and duties of citizens of the Soviet Union are given at length.

The Constitution of the USSR requires the organs of ~~the~~

public prosecution to ^{defend} ~~guarantee~~ these rights ^{against} ~~from~~ any encroachment,

and ^{considerately} ~~sensitively~~ and attentively deal with ^{complaints} ~~statements~~ of citizens

about ~~the~~ violations of their rights and ^{exert their utmost efforts} ~~strive to do their best~~ to ^{reestablish conformity to law where law has been broken} ~~restore~~ the violated legality. The public prosecutor's

office is basically concerned with the work of these organs of governmental administration which have the closest contact with the broad masses of the population (^{land} ~~agrarian~~, financial, trade, municipal, procurement, and other organs).

The organs of public prosecution verify the legality of ^{obligatory decisions} ~~compulsory decrees~~ (resolutions) issued by local Soviets and the

correctness of the application of the sanctions established by

them, ^{see to it} ~~watch out for~~ exact execution of laws on state deliveries,

taxes and compulsory payments, carry on the struggle ^{against} ~~with~~ violations in the field of accident prevention, ^{inspect for} ~~watch for~~ the correct calculation of the ~~technics of security~~, ~~xxxxxx~~ watch for the correct calculation

of salaries and their payment on time, make sure of the close

observation of the Stalin code ^{of regulations} ~~for~~ agricultural artels, etc.

^{Supervision} General inspection is carried out ~~by xxxxxxxx~~ in various ways, of

which the most important are the following:

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1) review of copies of orders (prikazy), and ~~orders~~ (rasporyazheniya), and other acts of administration coming into the ~~offices~~ organs of public inspection; Soviet law requires local Soviets and their executive committees to send the public prosecutors copies of all ^{obligatory decisions} compulsory decrees (resolutions) issued by them within two weeks' time; as for other acts of administration (orders and instructions of people's commissars and chiefs of main administrations, orders of chiefs of ^{sections} ~~divisions and~~ otdely and administrations of upravleniya of local Soviets, orders of administrations of enterprises, etc.), the organs of public prosecution take measures to get the most ~~of~~ important of them without too much delay;

2) verification on the spot of orders ~~xx-of~~ (prikazy and rasporyazheniya) ^{of} governmental organs which have the right to impose penalties by administrative procedure (administrative commissions of local Soviets, organs of sanitary and trade ~~inspection~~ inspection, boards of inspection of labor, and so forth);

3) review, with trips to the spot, of ~~xxxx~~ resolutions and orders of ~~xxxi~~ village soviets, managements and general assemblies of collective farms, orders (prikazy and rasporyazheniya) of administrations of local enterprises (machine tractor stations, collective farms, industrial enterprises, and so forth);

4) personal participation in the meetings of executive committees

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of local Soviets; in participating in these meetings, public prosecutors

check to that
~~xxxxxx~~ see to it that resolutions and orders enacted at the meetings are
 in complete agreement with the requirements of socialist legality.

The public prosecutor's office must not become an organ with
 which local Soviets or other organs of authority (~~vlast~~) clear ~~their~~
 the drafts of their resolutions, orders, etc., beforehand, since
 since this would inevitably lead to the transfer of responsibility for
 the operation of the organ of governmental administration to the
 public prosecutor's office.

The public prosecutor's office inspects ~~for~~ for legality,
 but it is not an organ which sanctions this or that draft of an
 act of governmental administration beforehand.

Verification of the legality of actions of organs of govern-
 mental administration or their officials is carried out by the organs
 of the public prosecutor's office either on their own initiative, at
 the suggestion of the Government of the USSR, ^{or of} the union or autonomous
 republics, or as a result of a ^{complaint} statement by an establishment, organiza-
 tion, or individual citizens.

The careful ~~xxxxxxx~~ follow-up of materials published in our press
 on the violations of socialist legality and the ^{immediate} taking of ~~xxx~~ steps to
^{remedy} ~~remove~~ such violations are ^a very ~~important~~ important part of the work
 of the public prosecutor's office.

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Organs of the public prosecutor's office must maintain a permanent
liason with worker, correspondents and peasant correspondents, ^{and} with
revision commissions of the collective farms and agricultural
cooperative societies; their signaling helps the public
prosecutor to conduct the struggle to strengthen socialist legality.

Every illegal act of governmental administration, ^{which is} ~~not in accordance with~~
~~with existing law~~ contrary to existing law, or which was enacted
by an ~~illegal~~ organ not competent to enact it, or which, while
formally correct, is contrary to the policy of our government, ^{in essence,}
must be protested by the public prosecutor.

Protests are sent to the proper organs. Where the protest goes
depends upon what organ enacted the act, ^{being protested:} protests with regard to orders
and instructions of people's commissars go to the Council of People's
Commissars; a protest with regard to ^{an} acts of ~~directors of enterprises~~ a
local divisions ^{or} and administrations go to the executive committee
of the Soviet whose organ the division or administration in question is;
a protest with respect to ^{an} acts of ^a directors of ^{an} enterprises or
establishments not subordinate to a local Soviet is made to that
organ to which the given enterprise or establishment is directly
subordinate; protests with regard to resolutions and decrees of
the executive committees of the kray, rayon, and city Soviets are
directed to the executive committee issuing the protested act.

When the protest is considered in the executive committee of the a

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~~CONFIDENTIAL~~ ^{supports}

local Soviet, the public prosecutor personally ~~appeals~~ ^{appeals} to his protest.

After receiving a protest, the government organ is required to ^{consider} examine it and pass a resolution either to annul the protested act

or deny the protest of the public prosecutor. Protests with regard to ^{obligatory decisions} of an executive committee ~~compulsory decrees (resolutions)~~ ^{if} must be considered by executive

committees within a very short time, in any case no later than two

weeks after their introduction. If the protest is not considered

within the ~~established time~~ ^{set,} the operation of the protested ~~decision~~ ^{decision}

is suspended (Sobranie zakonov /Collection of Statutes/ 1921, No. 71,

p. 686),

~~After protesting this or that governmental act,~~ The public ^{is not through with his duty after protesting this or that} prosecutor ~~still has more work to do.~~ His task is to secure the ^{governmental act.}

annulment of the illegal act. For this purpose the public prosecutor

is given the right, if his protest is denied at the first level

~~with insufficient grounds~~ on insufficient grounds, to carry the protest to

a higher level. For example, if a protest has been denied on insufficient

grounds by the executive committee of a rayon Soviet, the public

prosecutor may, through the oblast public prosecutor, carry the

protest to the executive committee of the oblast Soviet.

The organs of the public prosecutor's office, in protesting

acts of administration, are also required to investigate the

reasons for the violation of ^{law.} legality. The public prosecutor

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not only exposes the guilty official, not only establishes the

reasons for the violation of ^{law} legality--through error or with malice

aforethought on the part of the official--but also investigates

the general conditions and organization of work in the organ in

question in order to eliminate the factors contributing to the

commission of illegal acts.

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Sec. 2. "Control" (Kontrol') *with the words "verification" and "checking" better convey the meaning of the Russian word "kontrol'"; but because this term is usually translated "control", it is felt that the reader should become familiar with the use of "Control" of execution (kontrol' ispolneniya) is one of the chief*

methods of guaranteeing socialist legality.

From the point of view of contents general control (kontrol' obshchey) (verification of all the work of the organ in question) is different from special control (kontrol' spetsial'nyy) (verification of individual branches of the work of the organ in question, for example, ~~for example~~ the financial or accounting).

There is also a difference between internal control (kontrol' vnutrenniy), which is organized within the system in question by the ^{senior} higher organs (for example, ^{checking by} ~~control~~ of the chief of a kray administration ^{on} ~~over~~ the operation of rayon organs), and ~~xxx~~ external control (kontrol' vneshniy), which is exercised by an organ which is not part of the system of the ^{government agency} ~~ministry~~ in question (for example, ^{checking by} ~~control~~ of the People's Commissariat of State Control ^{on} ~~over~~ the activity of the People's Commissariat of Health).

Internal control (kontrol' vnutrenniy) (which may be general or special) ~~is~~ is an essential element of correctly organized leadership, since it is one of the regular duties of every director of a governmental organ to systematically verify ~~the execution of work~~ ^{systematically} that acts of the higher organs are being properly executed.

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At the Seventeenth Congress of the All-Union Communist Party
~~(Bolsheviks)~~ Comrade Stalin pointed out that after the correct
 political line has been given, the success of the matter depends
 on the organization^{of} work, on the organization of the struggle for^{the} to
 carrying out of this line, ^{up} and upon the correct selection of
 personnel and the systematic verification of the execution of the
 directives of the Party and the decrees of the Government of the
 USSR.

~~Checking up on the workers means checking up on what the~~
 Checking up on the workers means checking up on what the
^{of} ^{and} results of their work are, ^{performance} what the actual results of execution are.

Such checking up makes it possible to determine the real quality of
 the work, ^{and} the merits and shortcomings of both the executing
 apparatus and of the assignments themselves.

On the basis of ^a ~~the~~ resolution of the Seventeenth Congress of the
 All-Union Communist Party ~~(Bolsheviks)~~ internal "control" was
 reorganized: the sectors for checking up on execution were
^{abolished} abolished, and "control" ^{of} execution was bestowed directly ~~on~~ upon
 the directors themselves. Later, in August 1938, control-inspector
^(kontrol'no-inspektorskiye grupy) groups, attached to people's commissars and directors of independent
^{administrations,} ^{were created.} main, committees, ~~committees~~ and commissions, ^{With the aid of these}
 control-inspector groups directors ^{government agencies} of ~~ministries~~ check up on the execu-
 tion of ~~the~~ laws, ~~the~~ decrees of the Government, and also ~~of~~ on
 their own orders' and instructions.

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Directors of the other sections of the administrative apparatus, as a rule, check up on execution directly.

External "control" is exercised by the people's commissariats of state control and their local organs, the People's Commissariat of Finance of the USSR and its local organs, the organs of the State Planning Commission, credit institutions, and special boards of inspection (trade, ^{sanitary} sanitary, etc.). Special mention should be made of the "control" exercised by mass organs -- ^{trade and} professional unions, commissions of the Soviets.

The people's commissariats of state control and their local organs, ^{trade} the ~~the~~ professional unions, and the commissions of local Soviets, exercise both ^{general} ~~general~~ and special "control". The right to exercise special "control", that is, "control" of the corresponding branches of activity, is given to financial and credit institutions, organs of State planning and special boards of inspection.

^{particularly important organ for exercising control is} The People's Commissariat of State Control, is very important in the conduct of control. ^{which} This is a union-republic^{an} commissariat formed September 6, 1940 for the purpose of establishing very strict "control" over the accounting and expenditure of state monetary resources and ^{physical resources} material values and of checking up on the execution of the decrees of the Government.

The people's commissariat of state control conducts preliminary and subsequent "control".

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Preliminary "control" consists of checking on the legality of

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estimates, plans, orders' (naryady), and expenditure documents ~~prior~~ before any payments are made and before any deliveries ~~xxxxxxx~~ of goods are made on the basis of them. Preliminary control is carried out by the permanent controllers of the People's Commissariat of State Control in the largest and most important enterprises, on the railroads, in the warehouses, in ~~xxxxxx~~ establishments, in military districts, and in the fleet. The permanent controllers, ^{directors of the establishments being checked on,} independent of the ~~supervisors who check up on the objects,~~ have the right to impose a veto on all ~~expenditures~~ outlays or on a part of them, if the outlays are illegal.

In subsequent control monetary documents and also documents on materials ^{are checked} values after expenditures have been made, ~~are subjected~~ to checking. Subsequent control is conducted by planned and ^{extraplan} ~~unplanned~~ state inspections. State inspections ~~mainly~~ make possible the exposure ^{not only waste and} ~~of thriftlessness,~~ extravagances, but also of hidden reserves, and permit ~~the~~ turning of these reserves to productive use.

The people's commissariat of state control has been given
 = = = =
 important rights. Its instructions about presenting accounts, explanations, data, and other materials on matters ~~xx~~ within the competence of state control are compulsory for all people's commissariats, main administrations, and their local organs, and also for all other ~~x~~ state, cooperative, and other social enter-

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prises, establishments, and organizations.

The people's commissariat of state control ~~ix~~ has been given the right to impose penalties on those guilty of violating ~~the~~ the laws: ^{issue a warning,} to ~~put on display,~~ issue a reprimand and severe reprimand, ~~xxx~~ ~~xxx~~ and remove from duty. These penalties may be registered in personal files or the service records of the guilty persons may be published in the press on the ~~xxx~~ instructions of the people's commissariat. ^{When ~~any~~ abuse} ~~In case of the discovery of maltreatment or other criminal~~ ^{are discovered,} the People's Commissar of State Control takes the guilty persons to court.

The People's Commissar of State Control informs the proper directors of inspected establishments, organizations, or enterprises of ~~xxx~~ all faults ~~ix~~ discovered in the process of "control" and inspection in accounting for, conserving, and expending money and materials, and also of all facts of the violation of Government decrees, and issues compulsory instructions to these directors. In particularly important cases the People's Commissar of State Control reports the ^{of inspections} inspection results to the Government.

In case of the discovery, in "control" or inspection, of illegal acts of officials which have caused injury to the ^{state,} ~~government,~~ the People's Commissar of State Control has the right to collect money ^{the payment of which} fines ~~whose exaction~~ is not disputed. This ^{measure} ~~action~~ is extremely important: it disciplines the workers of the apparatus

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and makes it possible to compensate for the damage caused to the state by the acts of individuals.

Money fines are collected, for example, for spending wages ^{imposed} ~~paying out~~ ^{in wages and salaries than was approved for} on the upkeep of the administrative-economic apparatus above ^{that provides for maintaining a larger staff than authorized,} the registered funds, ~~states (shtaty),~~ or official pay, for ^{approved in} exceeding administrative-economic expenditures fixed by estimates, ^{for paying out} or for illegal money rewards and benefits, for surplus payments ^{overpayment} of employees on detached duty, ^{remedy} with regard to assignments, for not taking measures to wipe-out ^{deficiencies} ~~deficiencies~~ ^{zadolzhennost) in} indebtedness (accountable sums ^{for} ~~podotchetnyye summy~~ ^{in shortages, and} ~~deficiencies,~~ ^{due to embezzlement} and waste ^{frastraty}), as a result of which hopeless indebtedness, etc., was produced.

According to the decree of the Council of People's Commissars equivalent to of the USSR of May 13, 1941 money fines are ~~collected in~~ the amount of the harm done the state, but no greater than the sum of three months wages of the official ^{upon} ~~whom~~ whom the fine is imposed. If ~~by~~ the injury to the state is caused by several ^{officials,} ~~individuals~~ they, the amount of the money fine is determined separately for each person, depending on the degree of their guilt. The apparatus of the People's Commissariat of State Control is built on the branch principle: for each commissariat, administration, or committee attached to the Council of People's Commissars there is a chief controller, senior controller, controllers, and assistants of the controller. ~~In the People's Commissariat~~ Attached to the People's Commissar of

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(starshye revizory)

State Control there are senior inspectors and inspectors to conduct
inspections. (revizory dlya proizvodstva reviziy)
In certain areas particularly important in an economic
respect there are chief controllers of a people's commissariat.

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Government Agency

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arbitrazh)

Sec. 3. State and ~~Ministry~~ Arbitration (Gosudarstvennyy i vedomstvennyy) and its Role in Strengthening

Plan and Contract Discipline

State and ~~Ministry~~ ^{government agency} arbitration

is called upon to strengthen the socialist legality and plan and contract discipline in the relationships interrelations within the state economy, which are based on socialist legality.

The ^{Board of} Arbitration (Gosudarstvennyy arbitrazh) State ~~Arbitrazh~~ was created in 1931, when the Party and government put special emphasis on the questions of strengthening economic

accounting and plan and ~~contract~~ contract discipline particularly sharply. In the ^{Regulation} Resolution on State ~~Arbitrazh~~ ^(Gosudarstvennyy arbitrazh) of the Council of

People's Commissars of the USSR (which ^{regulation} was) issued by the Central Executive Committee and Council of People's Commissars of the USSR May 3, 1931, it was stated that ~~the~~ ^{the} State ~~Arbitrazh~~ ^{Board of Arbitration} was established "to decide

property disputes between establishments, enterprises, and organizations of the socialized sector in a way ^{to} ~~which will~~ ^{to} insure the strengthening of contract and plan discipline and economic accounting"

(Sobraniye ^{zakonov} zakonodatel'stva ^{laws} Collection of Legislation) 1931, No. 26,

p. 203).

~~State Arbitrazh~~ ^{boards of arbitration were attached to} was set up in connection with the Council of

People's Commissars of the USSR, the ~~existing~~ ^{and autonomous} councils of people's commissars of the union/republics, the kray and oblast

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executive committees, and the executive committees of autonomous oblasts.

^{board of arbitration}
~~A State Arbitration~~ does not consider the following disputes:

1) between organs of the same ^{government agency} ~~ministry~~, which ^(organs) are on a common

state or local budget (for example, between a rayon financial

division and an oblast financial division), 2) between establishments

and enterprises of the same ^{government agency} ~~ministry~~ or economic organ without

^{from} authorization of the proper higher organ (for example, between

two enterprises of the People's Commissariat of Ferrous Metallurgy),

3) between the State Bank and ^{governmental establishments} ~~state institutions~~ or ^{state} enterprises,

4) with regard to taxes and other payments which are not disputed,

5) with regard to railroad transport arising out of ~~freight~~ contracts

and contracts about the utilization of communal services and

6) ^{about} sums lower than the established: ^{regulation: The Board of Arbitration} for State ~~Arbitration~~ of the

USSR—50 thousand rubles, ^{boards of arbitration} for ~~Arbitration~~ of the union republics—

25 thousand rubles. ~~Arbitration~~ Kray (oblast) ^{boards of arbitration} ~~Arbitration~~

^{about} considers disputes on sums up to 25,000 rubles.

^{arbitrators}
 State ~~Arbitration~~ are appointed by the appropriate executive

organs. Disputes are decided by bringing the parties to a ~~mutual~~

define's agreement based on the law and other acts of government

organs. In case ~~xxx~~ the parties cannot come to an agreement the

question is decided by ^{The} state ~~Arbitration~~ ^{arbitration} ~~Arbitration~~ ^{arbiters}.

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Decisions of state ^{a board of} ~~arbitration~~ ^{arbitration} are put into effect by the parties on the date set by them. If this is not done, the decision is put into effect by compulsion. ^{force.}

The executive and ^{managerial} ~~regulatory~~ organ ~~introduces the state arbitration~~ ^{a board of} to which state arbitration is attached ^{checks} on its work ~~exercises supervision over its activity~~ and has the right, ~~when~~ in the checking process, ~~supervising~~ to annul or modify the decision of state arbitration of to transfer it to new consideration. ^{order a new} hearing.

State arbitration is charged with the task, apart from resolving property disputes, of informing the directors of the appropriate organs or the public prosecutor about the faults ~~immediately~~ revealed in the process of resolving disputes. This ^{aspect} ~~side~~ of arbitration is very important in improving the apparatus of economic administration.

^{The board of} Arbitration differs from the usual organs of governmental administration in that it does not have the right to regulate the economy in the field of planning, organization, and administration. ^{it has no administrative sphere of its own.} and ~~does not have dependent objects of administration.~~ As has been said before, the ~~state~~ board of arbitration decides disputes

not regulated by the directors of the disputant establishments or organizations. Finally, ^{when resolving} with the resolution of the disputes, the state board of arbitration ^{combines self-support persuasion} ~~writes the cost accounting (?)~~ ^{agreement with} ~~state compulsion,~~ ^{pressure measures} employing measures of property action ~~(penalty)~~ ^(fine); fines (shtraf).

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(penya [see p. 75], fine, forfeit for breach of contract neustoyka,
etc.).

The state board of arbitration resolves property disputes
with regard to contracts, but does not interfere in their administration.

Where cases are decided by order (prikaz or pryamoye rasporyazheniye)

there is no ^{room} place for arbitration. This is why the state board of
arbitration does not deal with such questions as liquidation of
economic organs, their subdivision, questions of plan assignments,

capital investments, redistribution of turnover funds, etc.

A government agency board of
Ministerial arbitration is the secondary apparatus of a subordinate to
the director of a of an main
people's commissariat or independent administration.

The regulation on government agency
resolution on ministerial arbitration is issued by the

appropriate people's commissar or director of an independent

government agency
main administration. A ministerial board of arbitration is
subordinate to the management government agency
director of the ministry to which it is attached.

Its decision may not be modified or annulled by the state board of

arbitration; such a right is given only to the head
government agency government agency
ministry to which the ministerial board of arbitration is attached.

The state board of arbitration may only inform the management of a
government agency
ministry of its opinion apropos of this or that decision of the
government agency board of
ministerial arbitration.

The government agency
ministerial board of arbitration decides economic
disputes arising between enterprises and establishments of that government agency
in the ministry in

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question in connection with contract relationships in such a way as to strengthen plan and ~~xxx~~ contract discipline. However, ~~the~~ ~~consideration of contract relationships~~ it ~~is not~~ is not within the jurisdiction of the ^{government agency} ministerial board of arbitration to consider questions and disputes which are decided administratively, that is, within the ^{administrative} hierarchy. The following may not be the subject of ^{government agency} ministerial arbitration: 1) disputes between higher and subordinate organs, since an order of a higher organ is compulsory for the lower and no one has the right to violate the principle of ^{responsibility for administration} one-man management on unitary responsibility; 2) disputes between enterprises and organizations in the same amalgamation, trust, or ~~xxx~~ main administration, in so far as the disputes in this case are resolved by an administrative ^{government agency} body. Obviously the ^{government agency} ministerial board of arbitration may not accept for consideration a case which ~~xxx~~ has already been decided administratively by the ^{government agency} ministry in question.

All these regulations limit the ^{sphere of activity} competence of the ^{government agency} ministerial board of arbitration, relegating it to the place of a subordinate apparatus attached to the ^{corresponding head} proper director of a ministry to solve the ~~xxx~~ problems of strengthening socialist legality in contract relationships, based on accurate execution of ~~governmental~~ state plan assignments and the employment of ^{self-support} cost-accounting methods of ^{handling} disposing of property.

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question in connection with contract relationships in such a way as to strengthen plan and ~~xxx~~ contract discipline. However, ~~the~~ consideration of ~~contract disputes~~ it ~~is not~~ is not within the jurisdiction of the ~~ministerial~~ ^{government agency} board of arbitration to consider questions and disputes which are decided administratively, that is, within the ^{administrative} hierarchy. The following may not be the subject of ^{government agency} ministerial arbitration: 1) disputes between higher and subordinate organs, since an order of a higher organ is compulsory for the lower and no one has the right to violate the principle of ^{responsibility for administration} one-man management on unitary responsibility; 2) disputes between enterprises and organizations in the same amalgamation, trust, or ~~xxx~~ main administration, in so far as the disputes in this case are resolved by an administrative ^{government agency} ~~board~~. Obviously the ^{ministerial} board of ~~xxx~~ arbitration may not accept for consideration a case which ~~xxx~~ has already been decided administratively by the

^{government agency}
~~ministry in question.~~

All these regulations limit the ^{sphere of activity} competence of the ^{government agency} ~~ministerial~~ board of arbitration, relegating it to the place of a subordinate apparatus attached to the ^{corresponding head} ~~proper director~~ of a ^{government agency} ~~ministry~~ to solve the ~~tasks~~ of problems of strengthening socialist legality in contract relationships, based on accurate execution of ~~governmental~~ ^{self-support} state plan assignments and the employment of ^{cost-accounting} ~~cost-accounting~~ methods of ^{handling} disposing of property.

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Sec. 4. Appealing Illegal Acts of Establishments

and Officials

~~The right of a citizen of the USSR to lodge a complaint about~~
 The right of a citizen of the USSR to ~~lodge a complaint~~ present a grievance *complaint*
 about the illegal act of an official or government ~~establishment~~ *agency*,
 as well as the obligation of the ~~proper~~ *proper* organ ~~to~~ *of this complaint* to consider this ~~the~~
~~grievance~~ *complaint* with regard to its substance, and take appropriate measures
 conformity to law
 is one of the most important guarantees of ~~the~~ *legality* in administra-
 tion.

complaint (zhaloba) is an appeal
 A statement of an individual citizen or group of citizens, or
 of an establishment, organization, or ~~separate official~~ *individual* ~~xx~~
~~xx~~ *agency* about an illegal act of a certain ~~institution~~ *agency* or its
 official, ~~in xxxxxxxxxx~~ is called a complaint (*zhaloba*).
 If a specific violation of a right or legal interest is specified in
 the complaint. The person lodging the complaint asks that ~~his~~ the
 violated right be restored and that his legal interests be
 protected. In this respect the complaint differs from other
~~statements and from the petition~~ *appeals (khodataysvo)* in ~~the~~ *no* which the violation of the
 law is ~~not specified~~ *mentioned, but which* and contains a request to decide some specific
 case (for example, a petition about postponement of the next payment
 on taxes, *request giving out for* ~~statement about the distribution of~~ a copy of some a *certain*
 document, etc.).

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In practice, complaints, ~~statements~~^{appeals}, and petitions may contain materials in which certain faults in the work of the governmental apparatus are ~~specified~~^{pointed out} and which contain suggestions for improving the ^{lawmaking activity} legislation and operation ^{efficiency} of the operating efficiency of government organs. It follows from this that the correct organization of ^{The} reception and consideration of ^{citizens'} complaints and ^{appeals} statements of ~~citizens~~, and also the taking of the proper steps with regard to them, ~~are~~ are very important, both ~~in~~ for safeguarding the rights and legal interests of citizens and for the systematic improvement of the ~~machinery~~ of government apparatus.

The Party and the Government have always ^{given this subject} paid considerable serious consideration. ~~attention to this.~~ These matters acquired ~~special~~ special importance in connection with the decree of the Central Executive Committee and the Council of People's Commissars of June 25, 1932, "Revolutionary Legality". In this decree it was ^{provided} proposed that the governments of the union and autonomous republics, the organs of the public prosecutor's office, and the kray (oblast) executive committees "check the statements coming in about ^{infringements of} ~~the violations~~ law ^{by} of ~~legality on the part of~~ officials and then insure a speedy prompt consideration of these cases of ^{law infringement} ~~violation~~ and the imposition of penalty measures, ^{including} ~~until the court takes the case, with regard to the~~ ^{trials in the case of} officials who have ^{such} ~~permitted these~~ violations or who are guilty of ^a ~~having~~ having

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a bureaucratic attitude toward ^{appeals from the} ~~workers~~ ~~at the same time giving~~ ~~workers, after having given~~ unlimited support to the work of the bureau of complaints, especially in checking up on and reviewing complaints of workers and ~~worker~~ worker peasants, Red Armymen, specialists and others".

In accord with the directives of Comrade Stalin on the ~~diminishing~~ necessity of manifesting "the most solicitous attitude towards our workers, towards the 'small' and the 'great', in whatever field they work", ¹ ~~an~~ organizational-legal and juridical guarantees ^{prompt} insuring the ~~early~~ consideration of complaints of citizens of the USSR and the taking of the necessary measures with regard to them ^{have been established.} ~~was made.~~ The most important of these guarantees are: 1) responsibility for the organization of the reception and ^{settlement} ~~prompt consideration~~ of complaints ~~in~~ rests on the director of the establishment personally; 2) hours when the responsible workers of an establishment receive visitors ^{have been} ~~are~~ established; 3) the system of ~~admission~~ admission slips for interviews, bureaus of complaint, etc., ~~which have made free access more~~ difficult for citizens, has been abolished in a number of ^{central government} ~~ministries~~ ~~agencies~~ (where this is possible); 4) ~~an~~ accurate recording of the receipt and progress of complaints and ^{appeals} ~~declarations~~ ~~in conducted~~

¹ Rech' na vypuske akademikov Krasnoy Armii
Stalin, Speech at the Graduation of Academicians of the Red Army,
Partizdat, 1937, p. 10. 184 CONFIDENTIAL

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has been introduced; the establishment is required to inform the
 petitioner of the fate of his complaint or ^{appeal} statement; the
 correct recording of complaints and ^{appeals} statements makes it possible
 to expose those parts of the governmental apparatus in which the
 greatest number of violations of the law are permitted and to
 take ^{appropriate} measures to eliminate the reasons for ^{such} the violations; 5) ^{it}
^{it has} been established ^{that agency} that establishment ^{incurs criminal and disciplinary penalties for} employees guilty of losing
 workers's complaints; may be called to disciplinary or criminal account;
 6) in order to insure ~~promptly and correctly~~ that complaints are dealt with
 promptly and correctly they ^{should} be considered ⁱⁿ those organs within
 whose ^{jurisdiction} competence the matters ^{discussed} touched upon in the complaint lie
 (tax and financial in the ^{an} financial organs, agricultural in agricultural
 organs, etc.); when the complaint is sent to the proper place for
 consideration, the complainant must be notified of it, and the
 organ to ~~which~~ which the complaint has been sent must set a certain period
 for the consideration of the substance of the complaint and for
 taking the proper measures ^{with regard to} about it; ~~this is to be done by sending~~
 complaints for consideration to those establishments and persons
 who brought the action is not allowed; 7) complaints must ~~be~~
 be decided within the periods set: in republican and ^(oblast) kray organs,
 within a month; ^{and} in rayon and city organs, within twenty days of the
 day the complaint is filed; ⁱⁿ and Red Army complaints, ^{within} fifteen and
 seven days, respectively.

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~~The~~ A complaint is considered ^{settled} decided only after all ~~the~~ measures specified in the decrees ~~of the decrees~~ ^{settling} of the organ deciding the complaint have been taken. In case the appealed decree is annulled the organs to which the ~~xxxxxxx~~ decision is given ^{to be carried out} over for execution, must, without special application by the complainant, review and annul all measures earlier applied to the complainant (~~seized confiscated~~ ~~xxxxxxx~~ property, for example, is returned to the complainant in such cases; if it is impossible to return the actual property, the complainant is paid, within a month, the full ~~xxxx~~ ^{confiscated} value of the ~~seized~~ property).

In the USSR the ^{range} class of persons who have the right to file complaints is not limited. ^{The complaint} It may be filed in connection with the action of an official who has no direct ^{connection with} relation to the interest of the complainant himself. Complaints of this kind help reveal corruption in the operation of the apparatus. ¶ In the Soviet state there are no limits, either, to the ^{range} classes of officials and establishments about whose actions complaints are filed. ^{range} The classes of actions which may be appealed ^{is} are not limited either. ^{A few} ~~xxxxxx~~ complaints (about administrative and disciplinary

Complaints are usually filed with the chief closest to the person whose action is being complained about. If a complaint is about the action of an establishment, it is sent to the next higher level. A few complaints (about administrative and disciplinary

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penalties) are made through the organs imposing the penalties.

Complainants are protected from any administrative measures of reprisal. If the complaint is of a slanderous nature, the complainant may be called to account ~~only to~~ ⁱⁿ the courts ^{only}.

Soviet legislation, as a rule, does not set ^{time limits} periods for the filing of complaints, with the exception of a few types (for example, complaints with regard to assessments of compulsory deliveries must be filed no later than a month from the day of the receipt of the notification of payment or delivery).

Usually the filing of a complaint does not suspend the operation of the appealed measure, but Soviet law permits \pm suspension of execution with regard to certain complaints. Thus a complaint about the illegal imposition of an administrative penalty filed no later than five days ~~after~~ from the day the decree imposing the penalty was received suspends the penalty. In A three-day period has been set for appealing a ^{decision} ~~decree~~ about a fine imposed by a board of sanitary inspection. ^{with the purpose of suspending a} ~~penalty.~~

The complaints of citizens about the actions of governmental establishments ^{or} (officials) may be the subject of consideration by a court (when the public prosecutor institutes proceedings against an official for an official offense, in a civil action arising out of an illegal action of an official, ^{or} in appealing an irregularity in the voting list).

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administering

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In ~~this way~~ carrying out justice, the judicial organs in this way insure the ^{strict observance} ~~careful and steadfast~~ execution of the laws by all establishments, organizations, and officials. The courts act ^{employ} ~~by~~ special methods in this respect: they do not conduct regular ^{inspection of} ~~supervision over~~ governmental organs, they may not protest illegal actions, do not make checks on their own initiative. The courts establish the legality or illegality of acts of officials and in this ^{strive} ~~way fight~~ to strengthen socialist legality in administration through the proper organs of government.

The role of the courts ^{is augmented} ~~increased~~ particularly through the decree of the Central Executive Committee and the Council of People's Commissars of the USSR of April 11, 1937. By this law it was established that seizure of property of collective farms, collective farmers, and individual citizens to cover ~~xxxx~~ arrears with regard to ^{of} taxes, compulsory insurance, compulsory deliveries (other than deliveries of meat, grain, potatoes, and ^{olive-seeds} ~~seeds of olive-culture~~), and with regard to ^{of} fines was to be allowed only by decision of a people's court. In considering questions of this nature the people's courts must establish the grounds for calling the citizen or organization to account, check up on whether all conditions in the presence of which cases are brought transferred to a court (prompt notification of the obligation, elapse of the time for fulfilling it, etc.) have been observed by governmental organs ^{or} (officials).

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The court either decides to seize the property to cover the arrears of the or finds the requirement ~~in~~ delivery or the imposition to the fine ungrounded and closes the case, informing the proper organ of government of that fact.

Such are the organizational and legal guarantees in the Soviet Union insuring the proper reception and ~~resolution~~ settlement of workers' complaints and the protection of citizens from the illegal actions of organs and their officials.

Bourgeois administrative law ^{considers} recognizes the so-called formal complaint and administrative justice ^{perfect method} to be the most complete form of ^{checking on} control over the legality of the actions of officials and organs of administration.

The ^{grievance} formal complaint ^(formal'naya zhaloba) is the name given to a complaint the filing of which suspends the operation of the appealed order until consideration of the case by the higher administrative level and permits the complainant to take part in the presentation of the argument. The formal complaint, which has been ^{employed} ~~applied~~ in several states in the past, is, according to the conclusions of several bourgeois jurists, a less complete method of control than administrative justice, in so far as the review of the complaint case is conducted by the administration itself.

By administrative justice is meant a special type of court ^{judicial} activity which is carried out either by the ^{of general jurisdiction} common courts (in the United States and England), or by special administrative establishments ~~performing~~ performing certain judicial functions (in France),

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and designed to protect the rights and interests of citizens by annulling, or in certain cases modifying, the illegal acts of administrative organs. Formally, in such cases, not the administration but the court emerges in the role of judge in administrative disputes. *In other words, in administrative justice, the court checks on administrative actions.*

This is the method usually extolled by bourgeois administrative law as the best guarantee of legality.

Administration, they say, should not ^{have all the powers of} both prescribe, judge, ^{and} and compel fulfillment of its demands. Administration must be freed of the judging operation ending in the settlement of ~~the~~ disputes arising between citizens and ^{administrative} officials in administration. Organs of administrative justice must be separate from administration, according to bourgeois theory, since ^a the representative of authority, mixing administration with the ~~function of~~ disputes judicial function, emerges, in ~~arguments~~ with citizens about violations of legal ^{laws} standards, in the role of judge in his own case. Proceeding from these considerations, bourgeois theory believes in the concentration of the functions of administrative justice in independent organs not under administration and in the subordination of administrative organs to judicial control.

The separation of the organs of judicial control from administration and the right of a citizen ^{on} to administrative ^{suit} action (isk),

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that is, the right of a citizen to court protection of his interests when they are violated by actions of administrative organs or their officials, is considered by bourgeois theory to be the best guarantee of legality in administration.

In ^{stating} ~~noting~~ the advantages of administrative justice and the right of ^{The} ~~so-called~~ formal complaint ^{over} ~~to~~ other means of ^{checking on} ~~control~~ over legality

in administration, a number of bourgeois jurists also point out that

in the ~~practice of~~ bourgeois governmental administration, ^{in practice} ~~legality~~ law is not conformed to as ~~it is~~ ^{depicted} described in the theory of law.

In France, for example, acts of the Government (pravitel'stvo) may

not be reviewed by the special administrative courts of the state

council or councils of the prefecture.

^{Judicial} ~~Court~~ protection ^{against the violation of rights} ~~of violated rights~~ does not alter the

characteristic feature of the bourgeois state—the absence of

real equality of all citizens before the law.

The courts are the same class organs of the bourgeoisie as all the rest of the ^{government} ~~state~~ organs. When the whole governmental apparatus has a class character, the protection ~~for~~ of the interests and rights of citizens does not factually change the situation of the absolute majority of the population.

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Section PART II

SPECIAL SECTION PART

CHAPTER VII

ADMINISTRATION IN THE FIELD OF DEFENSE AND THE PRESERVATION OF

STATE SECURITY AND THE PUBLIC REEGE ORDER

In the second phase (IN: See p. 4) of development of the socialist state the function of military protection of the USSR from external attack was preserved in full.

Comrade Stalin points out: "...accordingly, the Red Army and the Navy were also maintained, being just as necessary as the punitive organs and the ^{secret} intelligence service to catch and punish spies, murderers, and saboteurs sent to our country by foreign intelligence".¹

¹ Stalin, Voprosy leninizma (Problems of Leninism), ^{Eleventh} edition 11-2, p 606

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Section PART II

SPECIAL SECTION PART

CHAPTER VII

ADMINISTRATION IN THE FIELD OF DEFENSE AND THE PRESERVATION OF
STATE SECURITY AND THE PUBLIC PEACE ORDER

In the second phase (TN: See p. 4) of development of the socialist state the function of military protection of the USSR from external attack was preserved in full.

Comrade Stalin points out: "...accordingly, the Red Army and the Navy were also maintained, being just as necessary as the punitive organs and the ^{secret} intelligence service to catch and punish spies, murderers, and saboteurs sent to our country by foreign intelligence".¹

¹ Stalin, Voprosy leninizma (Problems of Leninism), ^{Eleventh} edition 1954, p 606

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Sec. 1. Defense

Under conditions of capitalist encirclement and the threat of war, strengthening the defensive capacity of the USSR acquired unusual importance from the very first days of the Soviet state's existence.

During the period from 1939 through June 1941 a number of steps to strengthen the defensive capacities of the USSR were taken. The Soviet state switched completely to the principle of the cadre ^{organization} construction of the armed forces. A ^{thoroughgoing} ~~basic~~ reorganization of the local organs of military administration was conducted:

Now there are ^{military} war commissariats in all the autonomous republics, republics, krais, oblasts, cities, and rayons. New military districts (okrugs) (Kalinin, Orlov, etc.) were created by subdividing old military districts. Military ranks for all the commanding personnel of the army and navy conveying the military and special qualifications of each ^{officer} commander, his ^{experience} training and ^{merits} accomplishments, and his power and authority as ^{officer} commander were introduced. The ranks of general and admiral were established for the highest commanding personnel.

In order to increase the contingent of persons with military training the age of induction for active military service was lowered to 19 years. In connection with the increase in technology in ^{branches} various ~~arms~~ of the armed forces (the navy, special units) the

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length of service ^{in them were} was increased.

The organs of the militia were employed for the ^{preliminary} first-quantitative estimates ^{the number of reservists} registration of persons liable to military service in the cities, and

the ~~agricultural~~ village soviets performed this work in the rural localities. areas.

In 1937 the People's Commissariat of the Navy ^(Narkomat Voenno-Morskogo Flota) was formed to direct the rapidly expanding Navy.

In order to strengthen military discipline, the basis of the ~~military activities~~ ^{operations and of the activity} combat action of the army and navy, new ^{Manuals} ~~regulations~~ ^{new Navy and Red Army} disciplinary regulations, according to which ~~unquestioning~~ absolute (~~besprekoslovnove~~) obedience ~~was required~~ to commanders and officers was required of ~~superior~~ subordinates, were introduced.

These are the basic measures of the Party and the Government with regard to strengthening the armed forces of the USSR which were carried out from 1934 to the beginning of the Great Patriotic War.

On June 22, 1941 Hitlerite Germany made a treacherous attack on our ^{country} ~~Native Land~~ and the USSR was forced into a death struggle with its worst enemy—German fascism. Speaking over the radio on July 3, 1941, Comrade Stalin pointed out to the Soviet ^{people} nation that, in order to eliminate the danger ^{hanging over our state} ~~threatening our country~~, "it is necessary that our people, the Soviet people, ^{must} comprehend the full extent of the danger which threatens our country..."

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"that the Soviet people ^{much rather} comprehend this and stop being unconcerned,
 that they ^{must} mobilize themselves and ~~rebuild their~~ reorganize ^{all} their work
 on a new war ^{military} ~~harmony~~, ^{giving no quarter} ~~showing no mercy~~ to the enemy". Comrade Stalin
^{set} put the following tasks to the Soviet people: to subordinate the

work of all organizations to the interest of the front, to organize the ^{atmos}
 all kinds of aid to the Red Army, to secure the increased replenishment of its
 ranks, to strengthen the rear of the Red Army in every way and as much as
~~possible, to organize~~ ^{possible, to organize} ~~all kinds of aid to the Red Army, to organize~~
 a merciless ^{fight against} struggle with any disorganisers in the rear, to create

partisan detachments in areas occupied by the enemy, to ^{work} ~~work~~ ^{unceasingly}
~~unceasingly~~ to improve ~~their~~ combat skill, and to strengthen
 discipline and order in the Red Army and in the Navy.

To attain the goals set by the Great Patriotic War, the
 Party and the Government carried out a number of severe measures ~~with~~
 in connection with strengthening the armed forces of the USSR,
 reorganizing the military ^{apparatus} administration and implanting iron
 discipline in the army.

Soon after the treacherous attack by Germany on the USSR the
 leadership of the armed forces of the Soviet ~~ex~~ state and the
 People's Commissariat of Defense ^{was} ~~were~~ bestowed upon Comrade Stalin.
 Comrade Stalin was also appointed Chairman of the State Committee
 on Defense, which concentrated in his hands the ^{entire} ~~full~~ power of the
 state. All measures to strengthen the front and rear were taken
 under the leadership of Comrade Stalin. The leadership of the ^{He is the} ~~the~~
^{in charge of} ~~the~~ combat operations of the Red Army and the Navy belongs to him.

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Under the brilliant leadership of Comrade Stalin the Soviet forces *have* won many brilliant victories over the armies of Hitler and his satellites.

One of the most important measures increasing the fighting ability of the USSR which were carried out during the Patriotic War, was the extension of the the rights of the military authorities in those areas declared under ~~xxx~~ martial law. By the Ukase of the Presidium of the Supreme Soviet of the USSR of ~~xxx~~ June 22, 1941 several areas of the USSR were declared under martial law "in the interests of the defense of the USSR and to ~~sxxxxx~~ preserve public order and state security". In these areas, as has been previously pointed out, all functions of the organs of governmental authority in the field of defense ^{and} preserving public order and state security belong to the military councils, and where there are no military councils, to the ^{supreme military} highest command of the ~~army~~ unit.

In these areas the administrative rights of the military authorities ^{have been} ~~were~~ extended. They ^{can} could independently impose a fine up to 3000 rubles, deprive of freedom for a period of up to six months, by administrative procedure send persons considered socially dangerous outside the bounds of the area, and prohibit entry to and exit from the ~~locality in question~~ ^{that area}.

Cases
Matters concerned with ~~offenses~~ crimes directed against defense, the public peace, ^{and state security} and several other matters (at the cases (at the

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discretion of the military authorities) were ~~given for trial to the~~ ^{are}

~~general~~ ^{general} given over for trial to the

special courts of the military tribunals rather than to the

general ~~common~~ courts of general jurisdiction.

~~Increased liability~~ ^{has been} increased liability was established for disobedience of

orders (rasporvazheniya and prikazy) of military authorities.

In areas declared under martial law the military authorities have the right to force the population to ^{perform} ~~participate in~~ labor and transport duty and to lodge soldiers. Labor-duty work is performed without pay, but the Soviet government takes it upon itself to ~~xxxxxx~~ provide for persons who have lost their ability to work as a consequence ~~fm~~ of performing labor duty. In case ~~fx~~ of the death of these persons the members of their families who are incapable of work are entitled to government support.

Transport duty is also performed without pay, and the military organs are not required to compensate injuries incurred in the course of it.

The ^{taking over (iz'yatiye)} ~~Confiscation~~ of transport means and other property required for defense purposes is different from transport duty. In transport duty, ^{means of transport} ~~after the transportation~~, after its use for specific military needs, remains in the possession of its owners, usable by them and at their disposal; ~~xxxxxx~~ ^{taken over} when property is confiscated, possession, disposal, and use are transferred to the military organs.

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"Taking over"
 Confiscation of transport and other property needed for defense purposes and belonging to state organs and enterprises is conducted by ~~transferring it without charge to the military authorities~~ transferring it to the military authorities without compensation, in so far as the Soviet ~~six~~ government is the owner of this property. The property of collective farms and individual citizens which is taken away is paid for at 1940 factory prices.

quarters
 To house ~~transferring it without charge to the military authorities~~ military units and establishments the military authorities can establish ~~the duty to lodge military~~ *or troop-quarters* personnel. Orders about partial or full freeing of space are equally compulsory for government and social organizations and for citizens. The military authorities have the right to make citizens double up or to move them.

To insure public order
 The military authorities regulate the hours of operation of establishments and enterprises (theatres, motion picture theaters, stores, public kitchen enterprises, communal enterprises). They regulate trade and the work of trade organizations (for example, they can prohibit the sale of alcoholic beverages), they establish *regulations* norms for supplying the population with ~~provision~~ food and industrial goods. The military authorities can prohibit street traffic after a certain hour. They have the right to search suspicious-looking persons and to keep them in custody until they are identified.

The military authorities have the right to regulate the

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organization of any kind of a meeting, procession, or the like.

Acting out of necessity,

~~If it is imperative,~~ the military authorities may forbid the

calling of a meeting or the conducting of a procession.

It has been previously pointed out, that in places declared under martial law, the military authorities have the right to issue ~~decrees~~ *decisions* which are compulsory for the whole population (with increased *penalties* ~~accountability~~ for their nonexecution) with regard to defense, ^{also} preservation of public order and state security. Oblast (krai), city, and rayon Soviets in areas declared under martial law may issue compulsory ~~decrees~~ *decisions* (resolutions) only on matters within their ~~competence~~ *sphere of authority* and establish ~~accountability~~ *penalties* for ~~their~~ violation strictly according to ^{operating} ~~existing~~ statutes (fine up to 100 rubles, corrective-labor work for a period of up to one month).

If not paid after three days, fines imposed upon citizens for nonfulfillment of compulsory decrees issued by the military authorities ^{are exacted compulsorily} ~~incur mandatory penalization by the courts, under judicial procedure.~~

In addition, the military authorities have been given the right to issue orders ^{the} ~~whose~~ ^{of which} execution is compulsory to the local organs of ^{state} ~~governmental~~ authority (*vladi*), and ^{establishment} ~~governmental~~ and social institutions and organizations. The militia organs, for example, ~~may not stamp~~ ^{register} persons who are forbidden to enter an area declared under martial law.

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According to ~~the Ukase of the Presidium of the Supreme Soviet~~
of the USSR of June 22, 1941 ~~and~~ the administration of industry,
agriculture, social and cultural and communal construction ^{and the} organization
of trade and procurement, etc., ^{are} ~~is~~ as before, in the hands of the local
Soviets. In the field of defense and ~~security~~ preservation of the peace order
and state security, the local Soviets are required to cooperate
fully with the military command in utilizing all the strength and
resources of the locality in question. *their areas.*

Training reserves for the Red Army. ~~The measures taken to increase the~~
~~the number of the reserves of the Red Army by the State Committee on Defense~~
~~of September 18, 1941~~ Compulsory military training of the male citizens of
the USSR from 16 to 50 years of age, which was introduced by a decree of
the State Committee on Defense of September 18, 1941, was the most
^{important}
essential measure in this field. This training is accomplished outside
the army without any interruption in work. The organization of
compulsory military training ^{is the duty of} rests on the People's Commissariat of Defense
and its local organs.

The introduction of new regulations on registration and travel ^{military} *in wartime*
for reservists (voennoobvazannyye) and draft registrants (prizyvnik) *is very*
of persons liable to military service and wartime draftees is very
important. According to these regulations ~~within~~ these persons
are forbidden to leave their permanent place of residence without
the permission of the rayon (city) military commissar. An exception

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~~XXXXXXXXXX~~ is made only for persons who are deferred (assignees-
 (zabronirovaniye), who may be conscripted for a period of up to one
 month. A person violating the regulations on registration and travel
~~are brought to trial in a military~~ brought to trial in a military
 tribunal.

Universal compulsory ^{training} ~~organization~~ of the population for antiaircraft
 defense was introduced in July 1941 " ^{with the purpose of preparing} to prepare the civilian population
 for defense against air and chemical attack, and also ~~the organization~~ ^{of organizing}
 and training of the primary formations (self-defense groups) of local
 antiaircraft defense". Universal compulsory training for antiaircraft
 defense ^{has been} ~~was~~ introduced for the total adult population from 16 to 60
 years of age. Women from 18 to 50 years of age and men from 16 to 60
~~were~~ ^{are} required to participate in self-defense groups. The only persons
 exempt from this are those who have temporarily lost their ability to
 work, labor and war invalids, pregnant women (for 35 days before the
 birth and 28 days after it) and women who have children ~~eight years old~~
^{up to eight} ~~under nine~~ years of age.

The direction of ~~the organization of~~ self-defense group organizations
 is ^{the duty of} bestowed upon the People's Commissariat of Internal Affairs (Administration
 of Local Antiaircraft Defense) and on its local organs. The ~~training~~ training
 of the population for antiaircraft defense rests upon Osoaviakhim (The
 Society for Defense against Air and Chemical Attack), while ~~the material~~

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supplying *with materials is the duty of*
 provisioning of the self-defense groups rests on the executive committees
 of the Soviets of Workers Deputies.

Direction of the partisan movement. From the very beginning of the Great Patriotic War the ranks of the Red Army were filled with a tremendous number of soldiers from the people's militia and the partisan detachments. The people's militia men soon joined the regular units of the Red Army, while the partisan detachments, operating in the rear of the German-Fascist invaders under the general direction of the Soviet military command rendered great aid to the regular army units.

The partisan movement was an armed popular struggle ~~of~~ against the foreign invaders for the defense of the *netherlands*, ~~fatherland~~, the sharpest and most active form of the struggle by the popular masses in the rear of the enemy army.

Strengthening discipline, order and organization in the Red Army.

The most important measure in this field was the establishment of complete one-man responsibility in the Red Army and the Navy and the abolition of the institution of military commissars (October 9, 1942). This was the ~~an~~ ~~index~~ index of the increase of the power of the armed forces of the USSR and the ~~growth of their~~ *officer* ~~commanding~~ ~~personnel~~ personnel.

Complete one-man responsibility of commanders (officers) is a powerful method of establishing iron military discipline. The supreme authority of the commander insures absolute and exact execution

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of his orders, which are law for subordinates.

The introduction of new insignia--shoulder straps-- for Red Army personnel. This measure is the most important event in the life of the Army, since it is for the purpose of further strengthening military discipline and the military spirit. Shoulder straps serve to specify the ~~service~~ serviceman's ~~rank~~ military rank and the kind of troops (service) to which he belongs. In particular, shoulder straps with their clear markings stress seniority^{in rank} and further strengthen the ~~supremacy~~ commander's supremacy of authority.

Approval of the new model of the Red Banner of Military Units

by the Ukase of the Supreme Soviet of the USSR of December 21, 1942.

The Red Banner, "a symbol of military honor, valor, and glory", is presented in the name of the Presidium of the Supreme Soviet of the USSR to the military unit upon its formation. It is a reminder to each soldier and officer of the unit ~~in~~ of his ~~in~~ sacred duty to defend, bravely and well, without sparing his blood or his life, every foot of ~~his~~ native soil against the enemy. The ~~Red~~ Banner is preserved for the military unit for all time, regardless of a change in the name or numbering of the military unit. It is always with its unit, ^{and} on the battlefield it is in the unit's area of military operations. ~~When the Red Banner is lost~~ ^{When} the loss of the Red Banner, ^{is lost} because of the cowardice of the military unit, its commander and all the officers guilty of ~~this~~ this disgrace ~~are~~ undergo ~~subject~~ trial by a military tribunal, and the military unit is dissolved.

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~~The formation of guard units and commands out of units and~~
 commands displaying great heroism, discipline, and organization,
 selflessly and skillfully destroying the fascist hordes. The formation
 and multiplication of ^G guard troops are an index of the growth of the
 army and navy and of the improvement of their combat qualities. Guard
^{standards} banners are presented to ^G guard units and commands. Servicemen of
^G guard units wear special chest insignia. The word "guard" is prefixed
 to the rank of a ^G guard unit serviceman (for example, "Guard Red Armyman",
 "Guard Captain", etc.). The personnel of guard units and commands
 receive ^{extra} increased pay.

^{governmental}
 The transfer of several rights of the higher ~~state~~ ^{governmental} organs to
^{large units}
 the commanders of commands (soyedineniya). The extraordinary growth
 of the armed forces of the USSR required the transfer of several rights
 of the higher ~~ex~~ administrative organs ~~to the~~ ^{to the} organs under them.
 The most important changes were the following: the giving to the military
^{councils}
 soviets of the fronts (of the individual armies) of the right, in the
 name of the Presidium of the Supreme Soviet of the USSR, to dismiss
 proceedings against ^c servicemen who ^{have} distinguished themselves in
 battle with the German invaders; the awarding in the name of the Presidium
 of the Supreme Soviet of the USSR of medals to the commander of a unit (^{chast'})
 and of orders of the USSR to the commander of a ^{large unit (soyedineniye)} command; the awarding
 of the next ranks (up to and including major) by the military ^{councils} soviets of
 the fronts and of the armies, ^{in contrast to} ~~while in peacetime~~, ^{procedure, in which,} beginning with the

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first middle commander rank (junior lieutenant), all officer ranks are awarded ~~by~~ only by the People's Commissar of Defense.

The most important measure in the field of strengthening the defensive power of the USSR was ~~the~~ giving ~~xxxx~~ the union republics the right to create republican troop formations. ~~The formation of republican units.~~

On February 1, 1944 the Tenth Session of the Supreme Soviet of the USSR enacted a law ^{changing} reorganizing the People's Commissariat of Defense from ^{an} ~~the~~ all-union ~~xxxxxx~~ republican ~~xxxxxx~~ commissariat to a union republican people's commissariat.

Comrade Molotov pointed out in his report to the Tenth Session of the Supreme Soviet of the USSR that this was not ^{like} an ordinary reorganization of a people's commissariat, but was a bestowal of new responsibilities in the field of defense upon the union republics.

The expansion of the rights of union republics in the organization of republican troop ^{units} formations is the result of the strengthening and growth of the might of the Soviet Union and indicates a new victory of Leninist-Stalinist national policy. The organization of troop formations ^{units} in the union republics as component parts of the Red Army makes it possible for the union republics to ~~xxxxxx~~ further the strengthening of the armed forces of the USSR to a still greater extent.

Formerly there could not be many units.
The organization of national troop formations could not be developed ^{organized} to any great extent before because ~~there were not sufficient national personnel trained, either soldiers, or more particularly, officers of soldiers and particularly of commanding personnel had not been trained.~~ ^{to form the skeletal base for such units.}

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During the Patriotic War ^{every} ~~each~~ people of the Soviet Union put forward many able military leaders. The soldiers of all peoples of the USSR exhibited remarkable military skill.

The organization of troop ^{units} ~~formations~~ in the union republics gave ~~the broad opportunity~~ to all peoples of the union republics (including peoples whom the tsarist government did not trust with arms and therefore did not induct into the army--Uzbeks, Turkmen, Tadzhiks, Peoples of the North, the majority of the peoples of Northern Caucasia) ^{the opportunity} ~~to display~~ their high national qualities and military prowess.

These are the main changes in the field of the organization and building of the armed forces of the USSR, ^{from} ~~starting with the beginning~~ ^{start} of the Patriotic War against German fascism.

1. The organization of the defense of the USSR, the directing of all the armed forces and the establishment of the guiding principles ^{for} of the organization of troop ^{units} ~~formations~~ of union republics, ^{is under the} ~~belong to~~ the subject of the ~~xxx~~ running of organs of authority (vlasti) and of administration of the USSR.

The Presidium of the Supreme Soviet of the USSR appoints and removes the higher command of the armed forces ^{and} declares general and partial mobilization. The Presidium of the Supreme Soviet of the USSR introduces martial law in the USSR or in individual parts of it and, ^{in the interim} in a period ^{between} sessions of the Supreme Soviet, declares a state of war in case of military attack on the USSR or in case of the necessity

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of fulfilling international treaty obligations on mutual defense against aggression.

The Council of People's Commissars of the USSR directs the general building of the armed forces, determines the annual contingents of citizens ^{to be inducted} subject to induction, awards the ^{for} highest military ranks (general, admiral), unites and directs the operation of the central organs of military administration--the People's Commissariat of Defense and the People's Commissariat of the Navy. The building of the armed forces and the direction of their combat and political training belongs ^{is the duty of} to the People's Commissariat of Defense of the USSR, ^{and} the People's Commissariat of the Navy of the USSR, and, with regard to ^{the} troops to safeguarding the borders of the USSR, ^{or} to the People's Commissariat of Internal Affairs of the USSR. In wartime the leadership of the ^{field army} active armies ~~of the~~ belongs to the Supreme Commander-in-Chief of the Armed Forces of the USSR.

The building up of the armed forces (the army and navy) to the prescribed strength is conducted by the People's Commissariat of Defense of the USSR through its local registration and mobilization organs--the military commissariats. ~~The People's Commissariat of Defense of the USSR~~ Through its local organs the People's Commissariat of Defense of the USSR also conducts the registration of automobile and other transport, horses, and draft animals ^{to be delivered} subject to delivery to the Red Army ^{under} in connection with mobilization.

The local organs of the people's commissariats of defense and the

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Navy are military ^{councils} ~~districts~~ (of ~~okruga~~, armies, and fleets) and ~~the~~ commanders (of ~~okruga~~, armies, and fleets).

The ~~Military~~ ^{councils} ~~soviets~~, which consist of the commander ~~of the district~~ and a district (army, fleet) and two members, are the highest ^{representative} ~~manifestation~~ of military authority. The ~~Military~~ ^{councils} ~~soviets~~ are directly subordinate to the corresponding people's Commissar. All troop units and military establishments located in the territory of the district, ~~or in the army~~ or fleet are subordinate to the military ^{council} ~~soviet~~. Orders with regard to the district (army, fleet) are signed by the commander, a member of the military ^{council} ~~soviet~~ and the chief of staff, but are issued in the name of the commander of the district (army, fleet) ^{who} ~~which~~ is the highest ^{authority over} ~~chief~~ of all the troops and military establishments located in the territory of the ^{district} ~~okruga~~ (army, fleet).

The administration of troop units ^{a smaller or larger group or expeditionary} and commands is exercised by an organ of unit ^{combat command (strovoye units)} ~~(strovoye) administration~~ the commander of a regiment, brigade, division, etc. or the like.

~~Согласно~~ According to the law of February 1, 1944, the supreme soviets of the union republics establish the procedure for forming republican troop ^{units} ~~formations~~. On the other hand the establishment of the guiding principles of the organization of these formations ^{units} ~~is~~ falls within the ^{sphere of authority} ~~jurisdiction~~ of the USSR and its higher organs of governmental authority ^{state} ~~(state)~~ and governmental administration.

In connection with ~~giving~~ giving the union republics the right to create republican troop formations, ^{units} ~~certain responsibilities are~~.

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laid upon the governments of the union republics and upon the people's commissariats *are charged with important responsibilities* for defense of the union republics. They *see to* insure the conduct of the work both in the field of the organization of *units* of troop formations ~~and~~ of the union republics, and also in the field of strengthening the further development of the military training of the civilian population.

The governments of the union republics also see ~~to the raising of~~ *that* the role of the local Soviets and their executive committees in the field of defense *is increased.*

Duties of local Soviets and their executive committees in the field

of defense. The local Soviets and their executive committees assist in

the conduct of induction, and mobilization, and of military horse, *Transport duty* (the obligation to supply horses, carts, and trucks for military use), cart, and automobile transport duty. They contribute to the improve-

ment of the material, political, and cultural state of units of the

Red Army and the Navy. The duty to guard the legal rights and interests

of *persons on active military service* ~~servicemen~~ and their families and to ~~insure~~ see that privileges (tax, residential, etc.) accorded *persons on active military service* ~~servicemen~~ and their families

are given is laid upon the local Soviets and their executive committees.

Under conditions of war against German fascism the work of Soviet organizations in rendering aid to the families of *persons on active military service* ~~servicemen~~ acquires great importance. According to the decree of the Central Committee of

the All-Union Communist Party (Bolsheviks) of Jan 22, 1943, divisions

attached to executive committees of oblasts, city and rayon Soviets of

Working People's

Workers' Deputies were created for ~~government~~ state security and

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to provide for the families of ^{persons on active military service} servicemen ^{(giving to give} out benefits and pensions, ^{secure} securing employment, ^{provide} providing for children in children's institutions, essential services, etc.).

2. Universal military duty is law (art. 132 of the Constitution of the USSR), ^{and} while military service is an honorable duty.

"Defense of the fatherland is the sacred duty of every citizen of the USSR", says art. 133 of the Stalin Constitution.

According to the law of Sept. 1, 1939 on universal military duty military service must be performed by all men who are citizens of the USSR, have reached 19 years of age, ~~and do not have finished middle~~ ^{or 18 years of age if they have finished middle school,} without regard to race, nationality, religious belief, educational qualifications, social origin or social position. The following are not inducted into the armed forces: persons exiled or deported, persons deprived of their freedom during the period the punishment is being served, and persons deprived of their electoral rights.

The People's Commissar of Defense of the USSR is given the right to register and take into military service women who have medical, veterinary, and special technical training. In wartime they may be inducted into the army for the performance of auxiliary and special service.

Performance of military duty consists of active military service (from two to five years—depending on the kind of troops—for privates

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and noncommissioned officers) and ~~xxxxxx~~ ^{being in the reserve} (for privates and

noncommissioned officers up to 50 years of age). Persons on active military service are called servicemen voyennosluzhashchiye ^[TN: lit. "persons on active military service"] while those in

the reserve are called reservists (voyennoobyazannyye). Persons who

have been put on the register for induction into the army are called

draft registrants (prizyvniki).

~~xxxxxx~~

~~xxxx~~

Servicemen, no more than two months from the day of their arrival

in the unit, and reservists, no more than five days after their arrival

in the unit in the refresher training period, individually take an oath

of loyalty to the Soviet people, their country, and the Government.

The text of the oath is signed ^{by the individual} by him personally, and ~~xxxxxx~~

~~xxxxxx~~ ^{is} the following was stated on his military card

(voyenny bilet): "Took the military oath".

Civilian employees in units, establishments, and institutions of

the army, navy, and border troops take a solemn ~~pledge~~ ^{oath}.

Induction into active military service is conducted annually from

September 15 through October 15 ^{upon} at the order of the People's Commissar

of Defense of the USSR by rayon (city) ~~induction~~ draft boards

attached to rayon (city) military commissariats under the chairmanship

of the military commissar.

~~xxxxxx~~ Draft boards give deferments for illness (no more

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Persons on active military service
Servicemen participate in elections of deputies to the Soviets.

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The ^{troop} commander of a ~~unit~~ unit or military establishment releases the serviceman from the duty of military service when the latter is in the capacity of a representative ~~xi~~ to a ~~next~~ congress or conference or so that he may fulfill his obligation with regard to ~~voting duty~~ an elective office.

The serviceman receives a monetary, food, and clothing allowance from the government, enjoys privileges (tax, residential, and other), and receives a government pension when he becomes ill. Monetary The monetary allowance is not taxed for income tax or for residential and cultural fees.

During the war the following taxes were introduced: the war tax, and the taxes on bachelors, single persons, and childless persons. (on active service). All servicemen are not exempted from the payment of the war tax, but only ~~persons of the~~ privates and noncommissioned officers, ~~officers~~ commissioned personnel ^{of} the army in the field, and servicemen's families receiving government benefits. ~~it is~~ service

families receiving government benefits.

Persons on active military service

Servicemen are exempt from the payment of the stamp tax when

(1) In the usual appeal to the courts special stamps must be purchased and attached to the appeal document.

appealing to the courts. Rail and water freight accompanied by

military transport documents are exempt from special taxes.

Service personnel (on active duty) who are

Service personnel, ~~servicemen of the commissioned personnel and also privates and~~
enlisted personnel who have voluntarily served beyond the required time
noncommissioned personnel pay for living space in houses of local

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~~CONFIDENTIAL~~ performing military
Soviets at reduced rates. Administrative eviction of servicemen and
their families is possible ^{only} when living space and the necessary means
of transportation are provided.

Privates and noncommissioned officers may send three letters
per month through the mail free of charge.

^{all actively serving personnel}
The families of servicemen of this category have the right to
government benefits in wartime. (see Sec. 3, Chapter IX).

Commissioned personnel, and also enlisted personnel who have ~~served~~
voluntarily served beyond the required time, have the right to receive
pensions and benefits which are paid from the appropriations of the
people's commissariats of defense.

Pensions are assigned and paid out to enlisted personnel who have
served the required time, by the organs of social security. (see chapter IX).

Pensions are paid out for ^{disability} invalidism, for years of service in the army
or navy, ^{or} in case of the loss of a breadwinner; pensions are also given ^{paid}
to persons who have exceptional ^{records of accomplishment} merits.

^{collected}
Pensions ~~in~~ are assigned to commissioned personnel and their
families by the financial organs of the People's Commissariat of
Defense, the districts, and the military commissariats. Their amount
depends on the type of ^{disability} invalidism and the causes of ^{disability} invalidism (when a
pension is given for ^{disability} invalidism) and upon the length of military service
(when the pension is given for years of service).

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Violators of military discipline may ^{incur} ~~be punished~~ either ~~under~~ disciplinary or criminal ~~procedures~~ penalties. Disciplinary penalties for minor offenses not ^{requiring judicial remedy} necessitating answerability to the courts are imposed either within the service hierarchy by the commander of the unit (the chief of an establishment), or by the chief of a garrison or commandant of a city.

The following disciplinary penalties may be imposed ~~on~~ on privates:

personal reprimand, reprimand before the formation, ^{rehabilitation of career,} no-dismissal for leave, appointment to detail out-of-turn, simple arrest, ^(protest arrest) with confinement in the guardhouse for ^{up to} 30 days, or ^{strict arrest with confinement} in the guardhouse for up to 10 days [sic].

Other measures applied to the violators of discipline--enlisted

^{noncommissioned officers} personnel--are: reduction in office, dismissal from office with ^{reduction to private} degradation to the ranks and dismissal to the reserves.

Such disciplinary penalties as the following are imposed on

commissioned personnel: reduction in rank, reduction in office, deprivation of up to 15 days of the next leave, removal from command, dismissal to the reserves or into retirement, ^{continued to} arrest in quarters with the performance of service duties and with the retention of 50% of the daily salary for every day of arrest. ^{with held.}

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The
2. Preservation of State Security and Public Order

1. ~~The~~ ^{public} preservation of state security and ~~the~~ ^{public} social order is ~~the~~ ^{duty} of the whole governmental apparatus, all social organizations and all citizens of the USSR.

The Council of People's Commissars of the USSR, the highest executive and managerial organ of governmental authority, takes measures to preserve ~~the~~ ^{public} order, protect the interests of the government, and safeguard the rights of citizens (par. c, art. 68 of the Stalin Constitution).

Working People's
The Soviets of ~~Workers~~ ^{Deputies}, as ~~in~~ ^{Art. 97} of the Stalin Constitution specifies, ~~guarantee the preservation of~~ ^{ensure the maintenance of public} order, the observance of the laws, and the ~~preservation~~ ^{protection} of the rights of citizens.

The courts administer justice, the purpose of which is to protect our society from any ~~encroachment on~~ ^{attempt to destroy} its foundations by applying punitive measures established by law to traitors to the Country, saboteurs, misappropriators of socialist property, and other enemies of the people and also to robbers, thieves, hooligans, and other criminals.

The organs of the public prosecutor's office ~~exercise supervision~~ ^{inspect} ~~over the close execution~~ ^{for accurate} of the laws by all officials, organizations, and establishments, and also by citizens of the USSR, and in this way strengthen the ~~peace~~ ^{the} governmental order.

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2. The people's commissariats of state security and internal ~~affairs~~ ^{cases investigated} ~~affairs~~ are special organs preserving state security and public order.

The people's commissariat of state security is a union-republican commissariat formed to preserve state security. All ~~matters examined~~ ^{cases investigated} by this people's commissariat are sent to the courts at the conclusion of the ~~examination.~~ ^{investigation.}

The people's commissariat of internal affairs is a union-republican commissariat. The militia, the office of registering acts of civil status, ^{the} fire departments, ^{the state} government archives, the construction and use of roads of ^{all-union importance,} ~~public use~~, corrective labor camps, and troops to safeguard the borders are under its supervision. In the union republics, with the exception of the RSFSR, there ^{are} republican people's commissariats of internal affairs, which are the organs of the People's Commissariat of Internal Affairs of the USSR. In the RSFSR the preservation of ~~the~~ state security and the revolutionary order is ~~entrusted~~ ^{laid the duty of} upon the People's Commissariat of Internal Affairs of the USSR.

In krais and oblasts there are administrations of the People's Commissariat of Internal Affairs, ^{in krais and oblasts, republican people's commissariats of internal} and in rayons rayon administrations may be formed in accordance with the ^a resolution of the People's Commissariat of Internal Affairs ^{depending on} independent of local conditions.

Attached to the People's Commissar of Internal Affairs there is a Special Board under his chairmanship consisting ^{of} his deputies, the chief of the Main Administration of the Militia and the people's

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commissariat of internal affairs of the corresponding union republic. The Special Board ^{the right} is given to apply to persons considered socially dangerous, exile (within the USSR), deportation, confinement in special camps, and also deportation of foreign subjects beyond the borders of the USSR. The Public Prosecutor of the USSR and his deputy are required to participate in the meetings of the Special Board. ⁽¹⁾ The Chief Administration of the Militia, ~~in accordance with the People's Commissariat of Internal Affairs~~ which directs the operations of the whole militia apparatus on the territory of the USSR, is under the People's Commissariat of ~~Internal~~ Internal Affairs. The militia is an executive organ of Soviet authority (~~which~~) which safeguards the revolutionary order and public safety. The militia sees to it that laws and orders of local organs of authority (~~which~~) ^(laws and orders) state governmental which regulate the ~~order and the~~ public safety ^{are carried out.} It ~~ensures the execution of laws and orders, and with this~~ fights crime and investigates crimes, preserves social property, and also the personal security of citizens of the USSR and their property.

The militia renders aid to persons who have suffered in accidents ^{or} (for example, fires, collisions, etc.) and who are in a helpless ~~xxx~~ condition. The organs of the militia, ^{are charged with} overseeing the execution, by stores, entertainment enterprises, and other enterprises, and also ^{regulations} various societies, of ~~rules~~ established by central and local organs of ^{state} ~~governmental~~ authority (~~which~~) ^{governmental} and state administration.

The militia renders assistance to the officials of any government

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agency
 department in the execution ~~of~~ ^{its} official duties in those cases where citizens refuse to comply with the lawful ^{demands} requirements of these officials (for example, assisting the official who executes court decisions, the organs of housing administration, etc.).

The organs of the militia prevent crimes, take measures ~~to~~ to discover and investigate crimes which have been committed, seek out persons who ^{are evading} ~~have evaded~~ the investigators, ^{authorities,} ~~in the case,~~ from the court, ~~or officials~~ ^{In addition} executing court decisions. Besides the organs of the militia execute ~~court~~ court acts on deportation and exile.

~~(The within the USSR).~~

The militia is also charged with the task of serving the population: issuing passports, finding minors who have disappeared and other missing persons, the reception and storage of lost articles, documents, and other valuables with responsibility for their ^{safeguarding.} ~~preservation.~~

Organs of the militia are given the right to require cooperation with their officials ^{the} ~~in~~ ^{at} performing their ~~legal~~ ^{activities of the latter.} lawful duties. The officials of the organs of the militia are given the right to use all means of transportation and communication, both free and ~~busy~~ in use, to pursue criminals in hiding, and to give ^{immediate assistance} ~~first aid~~ to persons ^{requiring} ~~needing~~ it. According to procedure established by law, organs of the militia have the right to ~~summon~~ ^{in accordance with established procedure} citizens who are suspects, witnesses, or official witnesses to official acts.

Militia officials fulfilling the duties with which they are charged

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have the right to enter ~~the~~ living quarters in cases specified by law (when pursuing and seeking out persons suspected of committing crimes who have ~~been~~ ^{escaped} or persons ~~fleeing~~ ^{escaping} out from under guard, in order to check on the observation of the regulations on registration on the residence register and removal from that register, or to ~~at~~ put a stop to crimes which are being committed).

3. Citizens of the USSR are compelled to preserve public order to assist through brigades ^{to assist} cooperating with the militia and through the institution ^{of} of the ~~xxxxx~~ village executors (~~institut-sel'skikh-ispolniteley~~), and also by ~~xxx~~ ^{compelling} militia officials' compelling citizens to ~~xxxxx~~ assist them in the performance of their (the militia officials') duties.

The brigades ~~xxxxxxx~~ ^{institutions} to assist the militia, which were instituted in 1932, are ~~x~~ mass organs ^{of} the militia. These brigades were created by organs of the militia and are directly under them; members of the brigade carry out the assignments of responsible officials of the militia, enjoy ^{the rights of officials} in the ~~xx~~ performance of the duties ~~xxxx~~ with which they are ^{charged} ~~charged~~, the rights of officials, and ~~xxxxxxx~~ bearing the same responsibility as the regular officials of the organs of the militia.

One of ^{the ~~xxxxxxx~~} ~~forms~~ ^{institutions} for compelling citizens to ~~xxxxxxx~~ safeguard the ^{governmental} ~~state~~ order ~~xxxx~~ and public security is the ~~institution~~ ^{of} the

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Militia organs

village executors (institut-sel'skikh-ispolnitel'nyy). The direct-
^{supervise} ^{work} management of the activity of the village executors ^{directly} rests with
 the organs of the militia. When performing the duties with which they
 are charged, village executors also enjoy the rights of officials and
 bear the same responsibility as officials.

It has been previously stated that organs of the militia are
 given the right to compel citizens to assist militia officials
 in the performance of their duties (for example, assisting in the
 arrest of persons resisting arrest). Persons refusing to execute the
 commands of a militia official for ~~an~~ unimportant reasons are ^{subject to}
^{prosecution.} criminally ~~accountable~~. In performing these duties citizens enjoy the
 rights of officials; imposing public ^{insulting} them when they are
 performing these duties ^{is a} criminal accountability ^{offense}.

4. Safeguarding state security. The USSR is ^{encircled} surrounded by
 capitalist countries. As Comrade Stalin pointed out in 1937, hostile
 capitalist states are dispatching to us two and three times as many
 wreckers ^{and} ^{to us} spies, saboteurs, terrorists as they are sending to
 bourgeois states.

To penetrate the USSR foreign agents employ representatives of
 joint stock companies on the territory of the U.S.S.R., trips under the
 guise of tourists, representatives of the press and information
 bureau, scientific workers, artists, photographers, etc. They send
 us hostile elements under the guise of emigrants, turncoats, deserters.

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from foreign armies, or "members" of ^{fellow} brother Communist parties, as if they were being saved from terror, etc.

In addition to legal methods, foreign ^{intelligence} ~~intelligence~~ espionage uses ~~xx~~ illegal means of ^{getting its} ~~xxx~~ taking their agents across land borders and on ships visiting the trade ports of the USSR, ^{supply} ~~supply~~ them with various forged and stolen documents: passports, Party and Young Communist membership cards, etc.

In discussing the safeguarding of state security we dwell upon:

a) ~~sa~~ safeguarding our borders and b) guarding state and military secrets.

a) Guarding the borders of the USSR. The territory of the USSR is inviolable and guarding the national borders of the Soviet Union is a ~~very important duty of the organs of~~ ^{very} ~~very important duty of the organs of~~ the People's Commissariat of Internal Affairs. There are two ~~xxx~~ types of guarding of the borders: political and sanitary.

Political guarding means the ~~struggle with~~ ^{fight} ~~struggle with~~ fight against any attempt ~~to illegally bring into the USSR or to cross the~~ to illegally introduce hostile literature or weapons into the USSR or to cross the borders with the purpose of committing counterrevolutionary acts. ^{guarding is the duty of the} The ~~political~~ border troops of the K People's Commissariat of Internal Affairs are charged with the task of political guarding.

The sanitary guard conducts the fight against bringing ~~ix~~ contagious illnesses from abroad into the USSR and from ~~xxx~~ within the USSR abroad. ^{Sanitary guarding is the duty of} Special organs of the People's Commissariat of Health acting in conjunction

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with the People's Commissariat of Internal Affairs and the People's Commissariat of Foreign Affairs, are charged with sanitary guarding.

The border guard of the People's Commissariat of Internal Affairs sees to it that the borders are not violated and maintains revolutionary order (TN: probably means maintains order in the interests of maintaining

the institutions set up as a result of the revolution) in the borderlands.

Crossing the border is permitted only at special control entry points, which are under the supervision of the border guard of the People's Commissariat of Internal Affairs. Special customs passage points have been established where articles and

freight may pass across the border. Crossing the border and transporting

articles or freight across it are permitted only when a permit^{are} is displayed.

xxxix a visa on a passport, and a license, that is, a permissive document, on the transport of articles or freight across the border of the USSR.

Within the ^{frontier} border belt the organs of the border guard have the right to stop any person in this belt and to arrest persons not obeying their orders. Organs of the border guard have the right to subject a suspicious person to a search, to inspect his personal belongings and his means of transportation, ~~in~~ and to verify his ~~documentary~~ credentials. Organs of the border guard also have the right to ~~search~~ search living quarters and other quarters when they suspect concealment of persons violating the borders, and may seize contraband goods.

On the water, organs of the border guard inspect all ships regardless of flag. With regard to warships, inspection is carried out according to special laws worked out ^{jointly} by the People's Commissariat of Internal Affairs and the People's Commissariat of the Navy.

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Organs of the border guard on the water have the right to stop and inspect any ship, and the captain of the ship must show them all ship and freight documents. Organs of the border guard are also given the right to ~~detain~~ ~~xxxxxxx~~ ship detain a ship if the captain does not show all ship and freight documents, if the ship has been loading or ~~unloading~~ discharging freight at unauthorized points on shore, ^{or} if the ship is catching fish or hunting game in a prohibited zone, or without getting special permission beforehand.

The border guard on land and water has the right to use ^{weapons} firearms to ~~repel~~ repel armed ~~attack~~ or unarmed attack, when the border population clear danger threatens the ^{frontier} border population, and when there is no other means of dealing with this danger, and also when there is an attempt to escape, if it is impossible to prevent escape by any other means.

A special procedure for entering the ^{frontier} border belt has been established.

Persons ~~on~~ not permanently residing within this belt may enter it only by special permission received at the ^{place} place of permanent residence.

This procedure does not apply to a number of ^{frontier} border points (for example, the health resorts of the Black Sea shore) sojourn in which does not require ^{Prior} preliminary permission.

Prohibited zones entry into which is prohibited without special permission have been established by decree of the ~~xxxxxxx~~ Council of People's Commissars of the USSR. Persons guilty of violating these regulations (~~xxxxxx~~ who have entered without permits, who

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have ~~transferred~~ given their permits to other persons who ^{are evading} ~~have evaded~~ ✓

compulsory registration in the organs of the People's Commissariat of Internal Affairs ^{at} ~~according to~~ the place of arrival) are considered ~~as~~ ^{the national borders.} violators of the law on the safeguarding of ~~state security.~~

The ^{is another} permit procedure for entry into the USSR and exit abroad ^{method} ~~also belong~~ under the means of ~~protecting~~ guarding the borders of the USSR. Citizens of the Soviet Union who wish to go outside the USSR are required to get the proper passport and ^{exit} ~~visa, on the excursion.~~

There are three types of passports for travel abroad: 1) diplomatic passports issued to members of the Government, members of delegations of the USSR to international conferences and ~~meetings~~ meetings and to persons employed in the diplomatic service; 2) employee passports (sluzhebnyye pasporta), issued to persons working in the governmental apparatus who are being ordered abroad to ^{carry out assignments of} ~~perform work for people's~~ commissariats or ^{agencies} other government departments; 3) ordinary citizens' passports (obshchegrazhdanskiye pasporta), which are issued to ~~the rest~~ of the citizens ^{other than the aforementioned.}

b) Safeguarding state secrets. One of the methods of work of foreign intelligence is espionage.

The law decrees that ^{any place or thing coming under} the following list of information being kept a state secret: ~~has been established:~~

~~the distribution of units, institutions, and establishments of the Red Army, the Navy, and~~ ^{the subjects of military guarding;} ~~the organization, number, and preparedness of the armed forces of the~~ ^{military security,}

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USSR, their military and engineering equipment, and also their financing

and supply: overall and departmental mobilization plans, ^{estimates,} ~~calculations,~~

drafts, measures; the mobilization preparedness of transport, communications,

and of the country as a whole, data on war industry and information on

industry ~~and~~ filling military assignments ~~contracts~~ ^{orders} orders.

industry ~~filling~~ military assignments, ~~contracts~~ ^{orders} orders.
The following are considered state economic secrets: ^{valyinye fondy} ~~valyinye fondy~~
Information on the state of the foreign exchange ^{holding} funds, the ~~external~~ balance
of payments (~~rashchyty balans~~) and the industrial (~~operativnyye tekhnicheskoye~~) and
¹ ~~lated balance, and the operative technical~~ plans of the USSR, ~~the~~ discoveries,
inventions, and ^{technological} technical improvements which are ~~acknowledged in~~ ~~the~~

particularly important to the country ~~are in the field of economic~~

~~state secret~~ and ^{which} are to be kept secret.

size of stocks of certain
Data on the state of the export funds on individual types of goods for export

are also a state secret.

There are state security regulations on safeguarding and the contents of coded and secret

There are state secrets and information on state codes, the contents of coded and secret correspondence of organs of state authority (~~secret~~) and ^{governmental} state administration.

are guarded in the state order. Materials on ~~XXXXXXXXXXXX~~ negotiations

with foreign governments and information on agreements ~~referred by the~~

with other governments concluded by the Soviet Union ^{may} are not ~~subject~~ ^{be} given out

to the public to be kept
publication and are guarded in secret.

State secrets are ^{safe guarded} guarded not only by the organs of the People's Commissariat

of Internal Affairs, but also by the entire ^{government} ~~tax~~ state apparatus as a whole,

and by each of its officials and citizens. In government establishments

there are special units guarding materials and information which are a

state secret. This information is transported from one place to another

through special channels. Officials who have been given permission have

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the right to use ~~the~~ these special channels.

prevent the publication of in the press
 To keep the press from digging into state secrets, there ~~xxx~~ is a
 special organ, Glavlit (^{Main} Chief Administration of ^{Literature} Literary and Publishing),
~~which~~ ^{prior} which exercises preliminary and subsequent political-ideological
 control. In wartime there is a military censor. ⁴ In July 1941 the People's Commissariat
 of Communications established a new procedure for receiving and sending

international and domestic postal and telegraph correspondence. ~~It~~
~~was forbidden to~~ ¹³ The communication of
 in letters and telegrams, information the
 publication of which ^{may} would do injury to the government, ^{is prohibited.} Post offices
 are forbidden to ~~xxx~~ accept or ^{transmit} send on picture postcards or postcards with
 glued-on photographs, letters with type for the blind,
 with crossword puzzles, chess problems, ^{or the like.} The use of ^{lined} envelopes
^{mail} with lining is prohibited. Stamps on international postal shipments

must be glued on by the postal workers themselves upon ^{receiving} the receipt of
 the ^{mail,} postal shipment which the sender must ~~hand over~~ personally. ^{hand them,}

^{safe} The guarding of archive materials of government ^{agencies} departments has
 a direct relationship to the ^{safe} guarding of state secrets. The organization
 of the management of the whole matter of guarding ~~the~~ archives belongs ^{is} the duty of
 to the Central Archive Administration, which is part of the
 People's Commissariat of Internal Affairs of the USSR.

Only those materials which are necessary for the immediate work of
 government ^{agencies} departments ~~xxx~~ remain at ^{their immediate disposal} hand in the departments ^{(materials concerned} affecting

with the essential aspects of the work of the ^{agency's} department, having scientific and
 theoretical importance and necessary for the practical work of the

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~~government department in question~~, or necessary to serve the needs of the population or other ~~departments~~ ^{government agencies} and organizations).

Foreign intelligence agents and other criminal elements also employ documents which have the state seal or the state stamp. From this ~~is clear~~ the necessity of taking measures to regulate the ~~matter of manufacture of~~ seals and stamps. *is clear.*

The ~~preparation~~ manufacture of seals and stamps is conducted only in special shops, the list of which is approved by the organs of the People's Commissariat of Internal Affairs. These shops are opened ~~at the preliminary~~ ^{after prior} authorization of the People's Commissariat of Internal Affairs. The manufactured seals and stamps are issued only to persons who have ^{been certified by the} ~~the confidence of the proper~~ establishment on whose order they are prepared; the certification must be signed by the director of the establishment.

The most important documents (passports, acts of civil status ^{etc.}) ~~akty grazhdanskogo sostoyaniya~~ are written in ink prepared according to a ^{formula} ~~recipe~~ of the Main Administration of the Militia.

When a seal ~~containing~~ bearing the ^{state emblem} ~~government seal~~ is lost the organs of the People's Commissariat of Internal Affairs must be immediately notified about it and the fact ^{of the loss} must be properly ^{advertised} ~~published~~ in the press.

State security measures also include ^{special regulations for} ~~the basic procedure of~~ the production of still, motion picture, and ~~other~~ other photographs ~~which are also~~ ^{some of} ~~belong to~~ measures of

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permission from
guarding state security. Without proper ~~authorization~~ of the
organs of the People's Commissariat of Internal Affairs it is forbidden

to take pictures in the ~~border-belt~~ ^{frontier} (where ~~a special regime is~~ ^{special regulations are in}
~~established~~ ^{force}), pictures of artillery ranges, airfields, military

buildings and construction, war plants, pictures in military barracks
or camps, pictures of special equipment on ^{railroad rights of way, or of} ~~transportation lands, and~~
equipment ~~which has~~ ^{of} defensive importance. Kray and oblast Soviets

are given the right to prohibit ~~the~~ taking pictures of objects not
included in the above list. ^{Making} ~~the production of~~ ^{prior permission is also required to make} topographical, geodetic,
and aerial surveying, ^{surveys} ~~cartographic work, and other~~ ^{or cartographic studies.} is also allowed
with preliminary permission.

~~Preliminary permission is also necessary~~

The procedure of using ~~duplicating~~ ^{duplicating} apparatus ^{(mimeograph machines,} ~~rotators~~ ^{rotatory}).

~~stating the use of the apparatus, etc.~~ lithograph machines using a glass

plate ^[steklografiy], and hectograph type machines ^[shapirografi], etc.) is very
important in safeguarding state security.

Organs of the People's Commissariat of Internal Affairs (administration
of the militia) give ^{prior} ~~preliminary~~ permission to open polygraphic
enterprises (printer's, zincographer's, etc.).

^{Prior}
Preliminary permission is also necessary to open an enterprise

for manufacturing or trading in printing machines, type, or
duplicating apparatus.

A special license is also required to sell

Printing machines, duplicating apparatus, and parts, ~~may also be~~ ^{for them.}

~~sold only with~~ ⁱⁿ special license. The license is issued ~~to~~ ^{to the}

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name of the enterprise receiving it and transferring it is ~~prohibited~~
~~under penalty of criminal accountability.~~ *a criminal offense.*

~~Permit procedure exists for~~

There is also permit procedure for obtaining, keeping, and using
 weapons: firearms, ~~hunting, sporting~~ *armes blanches*, and certain types of ~~gold weapons~~
 daggers, Finnish knives, etc. Organs of the People's Commissariat of
 Internal Affairs issue licenses for trade in weapons, for their purchase,
 and for keeping them. They also license the release of explosives *explosives* and
 detonating (used for igniting charges) substances. Opening a
 pyrotechnics shop making inflammable and explosive substances,
 or a shooting range, is not permitted without a license from the
 People's Commissariat of Internal Affairs.

5. Passport system. The introduction in 1933 of the passport
 system in cities, workers' settlements, new construction projects,
 the ~~border~~ *frontier* belt, places where machine tractor stations are located,
 state farms, and in other places was for the purpose of clearing
 these points of ~~criminal~~ *populated places* persons not connected with production or
 socially useful work, and clearing ~~but~~ *population* points of criminal
 and other antisocial elements. Where the passport system has been intro-
 duced the passport is the only document proving identity; all ~~other~~
 documents formerly used as residence permits have lost their force
 and ~~importance~~ *meaning*.

in house registers
 Compulsory registration of citizens has been established ~~and~~

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and violation of the registration regulations incurs both administrative and criminal penalties. When a passport is lost a fine of 100 rubles is imposed on the person who has lost it and he is issued a temporary identification card for one year. Measures of administrative action are also applied for the violation of the regulations on registration on ~~the~~ house registers and taking out passports. The organs of the People's Commissariat of Internal Affairs (the militia) have the right to expel persons violating these laws from ~~the population points~~. Their repeated violation incurs a criminal penalty. Forging a passport is considered the same as forging valuable state papers and is a criminal offense.

During In connection with the war the question ~~arose~~ ^{of} the procedure

for registering ~~evacuees~~ citizens evacuated from the areas near the front. By a decree of the Council of People's Commissars of the

USSR

USSR of August 9, 1941 the following procedure was established.

Persons arriving from areas near the front without passports

~~are~~ required to register in the local executive committee of the

Soviet. The latter ~~xxxx~~ gave the list of ~~evacuees~~ to the organs of

the militia. On the basis of these lists the organs of the militia

issued special identification cards ~~for~~ good for three months.

An identification card is not a document interchangeable with

a passport but with it an ~~evacuee~~ can be registered at his place of

residence and accepted for employment.

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6. ~~Registration of lost of civil status (city registration sector only)~~

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6. Registration of acts of civil status (akty grazhdanskogo sostoyaniya).

A state act in which the fact of birth, death, marriage, change of name, or adoption is affirmed is called an act of civil status.

Registry offices for

~~Offices which record acts of civil status conduct compulsory state~~

~~registration of the facts of death and birth. The organs of the~~

~~registry office (zapis' aktov grazhdanskogo sostoyaniya) issue conduct compulsory state registration of the facts of birth and death and issue~~
certificates that these facts have been registered. Birth certificates

must be issued on stamped paper ^{and in} ~~according to~~ the form established by

the Government of the USSR.

State acts of adoption and acknowledgement of fatherhood or motherhood are issued by ~~the offices of the registry~~ ^{offices for} of acts of civil status on the basis of special decrees of the courts.

In addition, ~~organs of the registry~~ ^{offices} of acts of civil status register marriages and ^{issue} ~~write out~~ certificates of divorce on the basis of ^{court} ~~the~~ decisions.

7. Fire ^{defense} protection of enterprises, buildings, and other construction,

and also of dwellings of citizens of the USSR. ^{Since} ~~Beginning in 1934~~ the supervision of ^{defense} ~~management of guarding~~ against fire on the territory of the USSR ~~was~~ ^{has been} centered in the People's Commissariat of Internal Affairs, in which

~~was formed~~ the Main Administration of Fire Protection (Glavnoye ^{Defense} upravleniye pozharnoy okhrany) ^{was formed.}

~~This administration worked out the~~ ^{works}

regulations, instructions, and technical standards for guarding against

fire, which ^{are} ~~was~~ issued in the form of an order of the people's commissar

of the proper people's commissariat. In this way the Main Administration

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of Fire ^{Defense} protection attains ^{uniformity} unity ^{its work} in ^{on this matter} ~~on this matter~~. The regulations worked out by the ^{Defense} Main Administration of Fire Protection are compulsory for all government ^{agencies} ~~departments~~, establishments, enterprises, and organizations.

The Main Administration of Fire ^{Defense} Protection exercises control over the execution of the special regulations and instructions on fire defense ~~sector~~ by all enterprises, establishments, and organizations.

It is charged with supervising fire security regulations issued by the executive committees of Soviets and other organs of ^{governmental} ~~state~~ administration. Finally, the Main Administration of Fire Defense ^{has the duty of} ~~is charged~~ with inspecting all ^{designs of} ~~tentative plans~~ and all kinds of fire-fighting equipment and with presenting conclusions with regard to them.

The right is given to the Main Administration ~~subordinate~~ of Fire Defense and its local organs to inspect enterprises, buildings, construction, rooms, establishments, etc., to require the presentation of data ^{describing} ~~characterizing~~ the state of measures for defense against fire, to raise the question of ^{calling} ~~holding~~ persons violating the fire regulations to accountable ^{before} ~~to~~ administrative organs ^{before} ~~of~~ the courts.

If an organ of fire defense discovers ^{an immediate danger as a result} ~~a direct threat brought~~ about by a violation of ^{fire regulations} ~~the rules of defense against fire~~, he has the

right to partially or wholly suspend the work of the enterprise or establish-

ment and must immediately inform the Main Administration of Fire

Defense of the People's Commissariat of Internal Affairs and the

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head of
~~chief to whom~~ the enterprise or establishment in question, ~~is subordinate.~~

Whether ~~the enterprise or establishment~~ this enterprise or establishment may
~~continue work~~ *to function* is decided by the director of the corresponding
~~government department~~ *agency or* ~~under~~ his personal responsibility.

The Main Administration of Fire Defense *supervises* ~~manages~~ the local city
 fire commands (units), which are on the city budget.

In wartime, ~~with the exception~~ in order to ~~greatly~~ strengthen discipline
 in observing fire regulations, ~~the organs of fire defense are given~~
~~the right to impose fines~~ *is given to the fire defense organs* —
 the chief of the Main Administration of
 Fire Defense of the People's Commissariat of Internal Affairs, *the right is given to impose*
~~up to~~ *finer of*
 1,000 rubles, ~~and to the chiefs of the administrations of the People's~~
~~Commissariat of Internal Affairs of the Union and autonomous republics,~~
~~up to 500 rubles (decree of the Council of People's Commissars of the~~
~~USSR of August 13, 1942).~~ *have the right to impose fines of*
 The imposition of the fine may be appealed
 within a ten-day period ~~in the administrative hierarchy.~~ *through procedure.* The exaction
 of these fines is not subject to dispute. When there is a refusal
 to pay ~~the fine~~ voluntarily the fine is exacted by administrative
 procedure by being ~~held back out of~~ *deducted from* the salary. Fines are included in
 the union budget.

8. ~~Extraordinary~~ *for* ~~measures of preserving state security and public peace.~~ *maintaining order.*
 The
 In Soviet state extraordinary measures for preserving state security are
 employed in strictly limited cases and only ~~in~~ by a procedure which is
 provided for by ~~legislation.~~ *law.*

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Soviet law distinguishes between measures which are applied when
 an area
 a place has been declared under martial law, and extraordinary measures
 which are applied when there is an elemental disaster caused by the elements.

According to art. 49 of the Stalin Constitution martial law is
 declared by the Presidium of the Supreme Soviet of the USSR in certain
 localities or throughout the whole USSR in the interests of defense
 or of insuring public order and state security. Declaring a
 place under martial law results in broadening the powers
 of the military authorities (see sec. 1 of this chapter).

When an elemental disaster occurs (fire, flood, etc.) the local
 Soviets and their executive committees ~~xxxxxxx~~ have the right to
 employ requisition and to compel the population to perform labor and
 transport duty to fight the disaster. This right may be employed
 in ~~when fighting elemental disasters with the usual measures for~~
 preserving public order does not give positive results.

When an elemental disaster occurs local organs of authority (~~viest+~~)
 and administration have the right to mobilize all means of transportation
 and fire-fighting equipment belonging to state, cooperative, and other
 social organizations.

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~~The Courts-~~
 3. Judicial Administration
 3. The Administration of Justice by The Courts

protect
 The courts guard from infringement the social and ^{governmental} state organization,
 the socialist system of economy and socialist property, the political,
 labor, residential, and other personal and property rights and interests
 of citizens, and also the rights and interests of the ^{governmental} state establish-
 ments, enterprises, collective farms, cooperatives, and other ~~social~~ ^{public} organizations.

Decisions and verdicts in specific cases are issued by the
 courts independent of the organs of authority ~~(state)~~ and administration.
 "Judges
 The courts are independent and subordinate only to the law", says art.112
 of the Constitution of the USSR.

~~The People's Commissariats~~
 The people's commissariats of justice of the USSR, ^{and of} the union and
 autonomous republics, and the administrations of the people's commissariats
 of justice of the union republics attached to the oblast and kray Soviets
 of Workers' Deputies are the organs of ^{governmental} state administration in the field
 of justice. Their main functions are the organization of the judicial
 organs and ^{the} supervision of their work.

The people's commissariats of justice and their local organs ^{settle problems} decide
 related to the
~~selection of organization and selection of composition of judicial~~
~~organs~~ the conduct of the elections of the judicial organs, ^{supervise} direct the
 organization of people's judges' reports to the electors, ^{supervise} check on
 the courts' observation of the procedure for compelling people's

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jurors to ~~execute~~ perform their duties in court, ~~to apply~~ and ~~apply~~ employ incentive measures ~~of reward~~ and disciplinary penalties with regard to judicial workers, etc. The people's commissariats of justice and their local organs ~~check~~ ^{on} the state of the work of the judicial organs and give instructions on the organization of their work. ^{Checking is carried out} ~~Control is exercised by the inspecting~~ ^{work} ~~tion of the operation~~ of the courts and ^{verifying} ~~verification of~~ the accuracy with which they have applied the laws when ^{trying} ~~examining~~ ~~criminal~~ civil and criminal cases. ^{incorrect decisions of cases are revealed in the process} When ^{the process} of ^{the} inspection and ^{examination work} ~~revision activity~~ of the organs of the People's Commissariat of Justice, ~~reveals incorrect decisions of~~ cases, such cases are sent to the Chairman of the Supreme Court of the USSR or to the chairmen of the supreme courts of the union republics for ^{reconsideration} ~~settlement of the question of the protested verdict, decision, or~~ judgement.

On the basis of the study of judicial practice and generalization from it the People's Commissariat of Justice of the USSR ^{lays matters} ~~puts questions~~ with regard to instructions ^{before} ~~on~~ directives to the courts, ~~the~~ the Plenum of the Supreme Court of the USSR.

The people's commissariats of justice work out drafts of laws, ukases of the Presidium of the Supreme Soviet, ~~ukases~~ and decrees of the Council of People's Commissars on the organization and operation of the organs of justice.

Besides these functions, the people's commissariats of justice and their local organs are charged with: the training ^{refreshes training} and ~~requalification~~ ^{and}

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of personnel for the ~~organs of the~~ ^{organs of the} courts, the public prosecutor's ^{office,} ~~the~~ ²¹⁶ ✓
 notaries public, the bar, and ^{the board of} arbitration; the organization and
^{supervision} ~~management~~ of the ^{work} ~~operation~~ of the bar, the notary organs, and the officials who
^{execute} ~~court~~ ^{decisions} ~~executors~~ ^{and article 67} ~~(sudebnye ispolniteli)~~; the publication of codes,
 textbooks, teaching manuals, and other juridical literature.

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4. Administration in the Field of Foreign Relations ^{Dealings}

Until February 1, 1944 representation in international relations (diplomatic and trade), and the conclusion and ratification (approval) of treaties with other states was only within the competence of the highest organs of authority (~~vlast~~) and organs of ^{governmental} ~~state~~ administration of the Soviet Union--the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR, and the Council of People's Commissars of the USSR.

On February 1, 1944 the Tenth Session of the Supreme Soviet of the USSR enacted the law "Granting ^{Plenipotentiary Powers} ~~Giving~~ the Union Republics ^{Authority} in the Field of Foreign Relations and the Reorganization in Connection With This of the People's Commissariat of Foreign Affairs from an All-Union into a Union-Republican People's Commissariat".

According to this law the union republics can enter into direct relations with foreign ~~xxx~~ states, conclude agreements with them and exchange diplomatic and consular representatives.

^{This} ~~The enacted~~ law is ~~not only~~ in the interests of ^{not only} the ~~people's~~ peoples of the Soviet republics, ^{but} also in the interests of the ^{peoples} peoples of the freedom-loving foreign states, which are striving to develop friendly relations with the USSR.

^{in building} The ~~experience~~ of the Soviet state structure showed that the foreign relations which existed until the new law--relations with

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foreign states ~~and~~ through the People's Commissariat of Foreign Affairs of the USSR ^{only} ~~xxxxx~~ were already insufficient to completely satisfy the growing needs of the union republics in the field of foreign relations. The establishment of ^{contact with} ~~foreign~~ ^{countries} connections was previously wholly the duty of the all-union organs. All treaties and agreements with foreign governments were concluded only in the name of the Soviet Union.

The ^{increase in} ~~development of~~ international ^{contact} ~~connections~~ and the ^{increase in} ~~growth of~~ cooperation with friendly governments showed that these relations had become insufficient, that they did not satisfy the special ~~xxx~~ economic and cultural needs of the peoples of the union republics and that a more complex and ^{ramified} ~~branched~~ organization of ^{contact} ~~the connections~~ was required.

^{Granting} ~~Giving~~ the union republics authority to enter into direct relations with foreign states ^{will result} ~~results~~ in the further development of the international ^{relations} ~~connections~~ of the USSR.

At the present time ^{jurisdiction} ~~competence~~ in the field of foreign relations is ^{distributed} ~~determined~~ in the following manner.

The Supreme Soviet of the USSR issues legislative acts on matters having to do with the foreign relations of the USSR, evaluates the ^{work} ~~xxxxxx~~ activity of the Council of People's Commissars of the USSR in the field of the foreign relations of the Soviet Union and ^{of} ~~the~~ People's Commissariat of Foreign Affairs of the USSR, and issues decrees on international matters having to do with either the Soviet Union as

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a whole or with the separate union republics.

Ratification (approval) of international treaties, the appointment and recall ~~of~~ ^{and ministers} of ambassadors of the USSR in foreign countries, the receipt of credentials ~~in~~ and letters of recall of diplomatic representatives of foreign governments in the USSR are within the ^{jurisdiction} ~~competence~~ of the Presidium of the Supreme Soviet of the USSR.

~~The Council of People's Commissars of the USSR exercises general supervision~~
~~General leadership~~ in the field of the relations of the Soviet Union with foreign governments, belongs to the Council of People's Commissars of the USSR.

The establishment of ~~public~~ order in the relations of union republics with foreign states is also within the ^{sphere of authority} ~~competence~~ of the USSR in the person of its highest organs of authority (~~which~~) and ~~state~~ ^{governmental} administration.

The People's Commissariat of Foreign Affairs of the USSR is charged with the direct conduct of affairs in the field of ^{the} ~~foreign~~ relations of the USSR.

The People's Commissariat of Foreign Affairs of the USSR is a union-republican commissariat which ^{performs} ~~carries out~~ the following basic functions: it protects the foreign political and economic interests of the USSR, and also of citizens of the USSR who are abroad; ~~carries~~ ^{executes} ~~out~~ decrees on the conclusion by the USSR of treaties and agreements with foreign states and directs their ^{implementation;} ~~putting into effect~~; unites and coordinates the ~~activity~~ work of the foreign offices in ~~xxx~~ the

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different people's commissariats of the USSR (~~the~~ the People's Commissariat of Transportation [Railroads], the People's Commissariat of Communications, etc.).

The organs of the People's Commissariat of Foreign Affairs of the USSR are: within the USSR—the agents in the large ports and centers of the heaviest concentrations of foreigners, ^{and} abroad—the diplomatic representatives of the USSR (ambassadors extraordinary and plenipotentiary, ministers extraordinary and plenipotentiary, and charges d'affaires) and consular representatives (consuls).

Agents of the People's Commissariat of Foreign Affairs, who are appointed by ^{that commissariat,} the People's Commissariat of Foreign Affairs, check on the ~~execution~~ on the execution by local organs of authority (~~plant~~) and administration of ^{all} laws and agreements of the USSR which ~~relate to~~ have to do with the rights of foreigners and international relations.

Diplomatic ~~xxx~~ representatives of the USSR are appointed and recalled by the Presidium of the Supreme Soviet of the USSR. They represent the Soviet Union and protect the political and economic interests of the USSR by diplomatic methods, ^{inspect} ~~supervise~~ the work of the establishments, enterprises, and officials of the USSR in the territory of foreign states, give them the proper instructions in case of necessity, and annul their measures which are ~~contrary~~ contrary to the policy of the USSR in the country in question, or to ^{Soviet or local} ~~the Soviet or local~~ ~~legislation~~ law.

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The functions of consular representatives are not of a diplomatic nature; consuls do not ^{engage in} ~~enter into~~ political negotiations. They protect the economic and legal interests of the USSR, and also the juridical persons and citizens of the USSR, perform acts of civil status ^{for} ~~of~~ citizens of the USSR abroad, keep a record of ^{persons} ~~persons~~ ^{subject to call to active military duty,} ~~reserve soldiers,~~ render assistance to the captains of Soviet ships abroad, etc. ~~These~~ Consuls of the USSR are appointed by the People's Commissariat of Foreign Affairs.

In order to carry on the foreign ~~aff~~ relations of the union republics there is a People's Commissariat of Foreign Affairs in each of them, the ^{work} ~~operation~~ of which Commissariat is ^{guided both} ~~directed by~~ the instructions ^{both} ~~of~~ the highest organs of state authority ~~(state)~~ and ^{state} ~~state~~ governmental administration of the USSR and ^{by the instructions} ~~of~~ the People's Commissariat of Foreign Affairs of the USSR.

The foreign trade of the USSR is ^{closely integrated} ~~tightly bound up~~ with the foreign policy of the Soviet Union and is carried out on the basis of a state monopoly, the substance of which is ^{that} ~~that~~ all commercial operations with foreign states and with individual foreign ~~enterprises~~ trade enterprises are conducted by the organs authorized to conduct ~~these~~ such operations. Trade operations abroad ^{independent of} ~~unknown to~~ these organs is prohibited.

The state monopoly of foreign trade ^{has been} ~~has~~ and is one of the decisive

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factors insuring the successful socialist building and economic independence of the USSR.

Foreign trade ^{is} ~~falls~~ within ^{the} all-union ^{sphere of authority.} competence. The general management of it, the approval of trade treaties with foreign states, the appointment and recall of trade representatives (torgpreds) of the USSR, ^{and matters having to do with} ~~resolving questions of~~ the organization of the export and import combines ^{come} ~~is~~ under the management of the Council of People's Commissars of the USSR.

The People's Commissariat of Foreign Trade is ^{the} an all-union people's commissariat which is the central organ fulfilling the directives of the party and the government in the field of foreign trade policy. The export and import combines of the People's Commissariat of Foreign Trade (~~Eksportles~~, Tekhnoimport, and others) perform the direct operational work in the field of foreign trade. ~~These~~ ^{liable} Combines are ~~responsible~~ for the obligations which they have undertaken only to the extent of the property which is under their control.

The organs of the People's Commissariat of Foreign Trade are: ^{within the USSR-} ~~the~~ authorized agents attached to the ^{councils of people's commissars of the} union republics, and abroad— the trade representatives (torgpreds) and trade agencies. The authorized agents of the People's Commissariat of Foreign Trade attached to the councils of people's commissars of the union republics ^{inspect} ~~keep a check~~ on the work of all organizations doing foreign trade work within the

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union republics, work out and present, in the people's Commissariat of

Foreign Trade, import plans for enterprises of republican and local

importance, etc. ~~The~~ ~~index~~ Trade representatives ~~xxxxxx~~ (torgpreds)

protect the economic interests of the USSR and its organs conducting foreign

trade operations. The trade representation (torgpredstvo) is ^{managed} ~~under the~~

direct ^{by} ~~management~~ of the People's Commissariat of Foreign Trade. ^{The purpose of} The

Soviet trade agencies which exist in several cities abroad ~~have the purpose~~

is to ^{special} ~~of fulfilling individual assignments of the~~ trade representations.

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CHAPTER VIII

ADMINISTRATION IN THE FIELD OF ~~Economics~~ THE ECONOMY

The main function of the socialist government within the country
(TN: See p. 4)

in the second phase of its development is the ~~economic organizer~~
~~activity of~~ in organizing the economy.
~~work of the state organs~~ This is confirmed by: 1) the significant growth
governmental ~~the building of the economy~~
of state expenditures on economic building and 2) the sharp increase in
the number of central ~~agencies~~ ^{agencies} for the administration of the economy—

the people's commissariats, the independent main administrations, and committees.

~~XXXXXXXXXXXXXXXXXXXX~~
In ~~the~~ three years of the third five-year plan (1938-1940) more than
167 billion rubles ~~three times more than~~ were assigned to the national economy, three times as much as
and more than 80% of ~~budget~~ ^{of budget investments in the national economy} for the second five-year plan.
In the national budget for the year 1944
The sum of 44.7 billion rubles was assigned to financing the national

economy, in the state budget for the year 1944. An important share of
the budget appropriations for 1944 ~~were~~ ^{were} carrying out
the ^{supremely important} tasks set by Comrade Stalin—rebuild^{ing} the industry, transport,
agricultural^{and} ^{municipal dwellings} and residential communal economy destroyed by the Hitlerite
pogromists in the areas where they ~~were temporarily the masters~~ ^{signed}.

In the second phase of the development of the Soviet state, the
number of economic people's commissariats ^{dealing with the economy} increased: in 1932 to 11, in
June 1936 to 13, in June 1941, to 37, in June 1944 to 38.

Several independent main administrations and committees have
of ^(Grazhdanskogo vozdushnogo flota)
been created: the Civil Air Fleet, ^{of the Northern Sea route}

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(Severnogo morskogo puti), of Forest Preservation ~~fix~~ and Reforestation
(lesookhrany i lesonasazhdeniy), of the Sulfite Alcohol and Hydrolysis
Industry (sul'fitno-spirovoy i gidroliznoy promyshlennosti), of
Standards (standartov), and others.

The war against the German invaders ~~existed~~ required a rapid
thoroughgoing reorganization
and ~~decisive~~ reconstruction of the economy and the administrative
apparatus. On November 6, 1942 Comrade Stalin declared in the report

"The 25th Anniversary of the Great October Socialist Revolution":

"The work of our state and party organs has proceeded *during the current period* ~~to date~~ in two

directions: in the direction of the peaceful construction of a
home front backing up the front lines,
strong ~~rear for our front~~ on the one hand, and in the direction of con-
ducting ^{the} defensive and offensive operations of the Red Army on the other
hand."

Summing up the *organizational* ~~organizer~~ work in the rear, Comrade Stalin ~~then~~ pointed
out: "In this period the *civilian* peaceful construction work of our *supervisory*
organs *took the form of* ~~expressed itself~~ in shifting the base of our industry,
both *military* ~~war~~ and civilian, to the eastern areas of our country, ~~in the~~
evacuation *ing enterprise* of workers and equipment of ~~enterprises~~ and their establishment
in new locations, ~~in the expansion of~~ *ding* the sown area and ~~in the increasing~~
of the winter crop sector in the East, and finally, ~~in the~~ fundamentally
improvement *ing* in the work of our enterprises operating at the front, and
~~in the~~ strengthening of labor discipline in the rear, both in the factories
and on the collective farms and state farms. It should be said that

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this was ~~an~~ extremely difficult and complicated ^{undertaken on} organizer work ^{on} a large scale ^{by} of all our economic and administrative people's commissariats, including our rail transport. However the difficulties were overcome. Now our factories, collective farms and state farms, in spite of all wartime difficulties, work ^{absolutely} completely satisfactorily. Our war plants and ^{related} ~~adjacent~~ enterprises honestly and accurately supply the Red Army with cannon, mortars, airplanes, tanks, ~~xxxxx~~ machine guns, rifles, and ammunition. Our collective and state farms also honestly and accurately supply the population and the Red Army with food, and our industry with raw materials. It must be acknowledged that our country ^{has} never before had such a strong and organized ^{home front} rear.

During the war, ^{period} several industrial people's commissariats were reorganized. For example: The People's Commissariat of General Machine-Building (Narodnyy komissariat obshchego mashinostroyeniya) was reorganized into the People's Commissariat of Mine-Warfare ^{Mining} (Markomat minometnogo vooruzheniya). New independent main administrations attached to the Council of People's Commissars of the USSR were created ^{(to supply coal,} ~~(for coal fuel) / po snabzheniyu kanenney gol'nyim toplivom~~), to supply the national economy with petroleum products, to supply timber and firewood, etc.).

^{As a departure} ~~With the change in the~~ ^{from} ~~exchange of the standards of peacetime~~ ^{practice} the people's commissars of the USSR were given the right ^{for the duration of the war} to distribute and redistribute ^{their respective} the material resources of the people's commissariats, ^{including} to the

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amount of the surplus ~~of~~ materials and equipment, among the ^{various} separate enterprises and constructions, ^{projects} according to ^{depending on} the progress in fulfilling the plan and the ^{amount of} flow of equipment and materials, ^{being received in accordance} with allocations to their respective ^{people's commissars} allocated to the people's commissariats. In addition, they can authorize the directors of enterprises and the chiefs of constructions ^{projects} to allocate ^{projects}

the necessary materials from their own resources to other enterprises ^{so that} ^{the latter may} in order to fulfill production plans and ~~various~~ orders contracted for. In peacetime investments ^{funds} were expended strictly according to designated ^{projects} ~~subjects~~, while in wartime the people's commissars may, in accordance with newly arisen needs, redistribute investment funds ^(TN: costing more than one million rubles; see p. 124) for above-the-limit ^{projects} constructions, ^{projects} so long as the ~~sum~~ decrease in the sum assigned to each ^{project} construction does not exceed 10%. They are given the right to ~~extirpate~~ direct in their entirety to other projects ~~sums~~ means for projects the construction of which has been stopped in connection with military operations.

People's commissars are permitted to partially depart from approved ^{preliminary} ~~tentative~~ plans and estimates of above-the-limit construction, but within the total cost of each project. In peacetime the ^{putting in operation} ~~launching~~ the operation of constructed enterprises (subordinate to a people's commissariat of the USSR) were authorized by the Council of People's Commissars of the USSR, while in wartime the people's commissars decide these matters independently, notifying the Council of People's Commissars of the USSR after the ^{current} enterprise has been put in operation.

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When the People's Commissariat of ~~the~~ Finance of the USSR does not object, the people's commissars of the USSR may write off the losses ^{appearing on the balance sheet} of individual economic establishments and enterprises which appear ~~on the~~ ^{against} ~~at the expense of~~ their own turnover funds and above-plan profits for the people's commissariat as a whole. People's commissars of the USSR have the right to ^{use} ~~write off~~ sums from ^{The clearing accounts} ~~accounting records~~ of subordinate economic organs and enterprises to cover overdue debts to suppliers. ^{Further} In addition ~~the~~ people's commissars of the USSR are authorized to make expenditures to restore enterprises and living quarters destroyed in military operations at the expense of capital investments, ^{above the limit} ~~unscheduled~~ expenditures, ^{are non-existent} ~~if these do not exist~~ at the expense of production cost.

From this it is apparent that the administrative rights of people's commissars of the USSR ^{have considerably} ~~increased~~ under wartime conditions. In exactly the same way the rights of councils of people's commissars of union and autonomous republics, executive committees of oblast (krai), rayon, and city Soviets of ^{Working People's} ~~Workers~~ Deputies and directors of economic establishments and enterprises have been increased. We shall cite some of the clearest examples.

Soon after ~~the war~~ military operations began the ~~soviets~~ councils of people's commissars of the union republics were given the right to extend, for no more than ~~xxixxxx~~ one year, the operation of labor contracts ^{specific for a certain period} ~~concluded~~ with collective farmers and ^{individual} ~~peasants~~. ~~farming individually.~~

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In ~~necessary cases~~ ^{when it is necessary} the Councils of People's Commissars of the Union Republics may establish labor ^{and} transport duty for the purpose of insuring the fulfillment of the plan for ^{transporting} ~~the removal of~~ ^{the removal of} ~~wood~~ timber. A ^{special feature} peculiarity of this type of duty is that it is paid for. Such duty was carried ~~out~~ ^{on} with the permission of the Council of People's Commissars of the USSR in the autumn-winter season of 1941-42 ^{in timber procurement} ~~or the logging of~~ the people's commissariats of the timber industry, the Main Administration of Construction Timber (Glavstroyles), the people's commissariats of construction materials, ferrous metallurgy, and construction. It was ^{carried on} ~~conducted~~ from December 1, 1941 through April 1, 1942. Collective farmers and peasants farming ~~individually~~ as individuals and also the evacuated population ^{from} ~~were~~ required to perform labor duty ^{the ages} ~~from~~ ^{from} ~~16 to 55 for men and from 16 to 45 for women.~~ Workers and office clerical workers in state enterprises, in establishments and in transport were exempt from labor duty. Persons working in ^{timber procurement} ~~timber logging~~ under labor and transport duty were paid wages. Oblast and kray executive committees ~~are given~~ the right to require labor duty to ~~make~~ ^{harvest} agricultural crops of all able-bodied rural population, and also the population of cities and villages of the city type, but not to the injury of the work of state establishments and enterprises.

~~The introduction of~~

~~During the war~~ ^{for the duration of the war} the introduction of mobilization of the able-bodied

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~~population~~ urban population for work at their place of residence in production and construction was substantial. *is important.*

The able-bodied population of the following ages is subject to mobilization: men from 16 to 55 and women from 16 to 50 out of the number not working in ^{governmental} state establishments and enterprises. The following are exempt from mobilization: persons from 16 to 18 years of age ^{to be drafted} who are ~~subject to drafting~~ into the schools of factory-workshop, trade schools, and railroad schools, instruction ^{(FZU} ~~schools~~), women with children ~~under nine~~ years of age if there are no other members of the family ~~under~~ taking care of them; those studying at the higher and middle institutions of learning.

A special legal ^{status has been} ~~position is~~ established for workers and clerical workers of war industry enterprises. ⁱⁿ The interest of increasing production goods and of the further strengthening of the Red Army and the Navy by all types of armaments ^{it was necessary to "freeze"} required the freezing of ^{employees of} ~~workers and clerical workers in~~ war industry enterprises. To completely ~~eliminate~~ ^{unauthorized} do away with the ~~voluntary~~ departure of ^{employees} ~~workers and clerical workers~~ from ~~enterprises of~~ war industry enterprises and to increase the responsibility of ~~workers and~~ ^{employees} clerical workers in war plants the Presidium of the Supreme Soviet of the USSR decreed by the Ukase of December 26, 1941: that all workers ^{office} and ~~clerical~~ workers (of both sexes) ⁱⁿ of war industry enterprises, and also ⁱⁿ ~~enterprises~~ of other branches serving war industry on the

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principle of cooperation ^{are} ~~was~~ declared mobilized for the duration of
the war and held for permanent work at ^{the} ~~those~~ enterprises at which
they worked 2) that the unauthorized ^{leaving of their employment on the part} ~~desertion~~ of such workers ^{is con-}
sidered desertion and ^{a criminal offense, trial for which is to} ~~that those~~ guilty of unauthorized ^{leaving of their employment} ~~desertion~~
^{be} ~~incur criminal responsibility~~ in a military tribunal.

For the duration of the war the councils of people's commissars
of the union and autonomous republics and the executive committees of
the oblast and kray Soviets of ^{Working People's} ~~Workers'~~ Deputies are given the right
to transfer by compulsory procedure workers and clerical workers
who are freed in connection with reduction in force, the suspension
of construction, etc., to work in other establishments, enterprises, or
^{projects} ~~construction~~, independent of what government department they belong
to or their territorial location. The specialties and qualifications
of the ~~xxxxxx~~ worker are taken into account ~~xxxxxx~~ in making the
transfer. Refusal to transfer to other work is considered unauthorized
^{is punishable} leaving of employment and ~~incur responsibility~~ according to the Ukase
of the Presidium of the Supreme Soviet of the USSR of June 26, 1940.

Finally, in order to insure the fulfillment of production
assignments connected with wartime requirements, directors of industrial
enterprises, transport, agriculture, ^{trade enterprises} and commerce are given the right
to establish, with the permission of the Council of People's Commissars
of the USSR, both for all ^{office} ~~workers and clerical~~ workers in enterprises ^{employees}
and for individual workshops, sections, and groups of ^{employees,} ~~workers and~~

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clerical workers, compulsory overtime work lasting ^{of} for one to three hours
^{per} a day, and for persons under 16 years of age, no more than two hours ^{per}
^a day. ~~Time and a half is paid for~~ compulsory overtime work. ^{is paid for}
^{at} the rate of one and one-half times the regular wage.
 Simultaneously, regular and additional leaves and monetary compensation

for unused leave ~~which was~~ abolished in all state, cooperative, and

social enterprises and establishments for the duration of the war.

Since ~~beginning~~ April 1, 1942 compensation for unused leave ^{has not been} ~~was not~~ handed

been being
 out, but has ^{been} transferred to savings banks as special accounts. These

deposits will be paid out at the conclusion of the war on a date

which will be set by the Council of People's Commissars of the USSR.

These are the most important changes which have taken place in
 the field of the administration of the economy since the beginning of
 the war against German fascism.

Administration in the field of the economy consists of ^{the} administration
 of industry, the organization of construction, the administration
 of agriculture, transport, ^{and} communications, and administration in
 the field of agricultural procurement and commerce.

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1. ^{The} Administration of Socialist Industry

The major portion of industrial enterprises are under the supervision of twenty-five industrial people's commissariats (sixteen all-union, seven union-republican, and two republican).

In 1940, nonindustrial people's commissariats (the People's Commissariat of ^{Transportation} [Railroads], the People's Commissariat of ^{Health} Communication, the People's Commissariat of Agricultural Procurement, the People's Commissariat of Communications, the Committee for Motion Picture Affairs [Komitet po delam kinematografii], and others) with ^{administrations} having industrial main ^{committees} (promyshlennyye glavki), produced 10-12% of all industrial production. Industrial cooperatives operating under the ^{supervision} management of state organs produced a considerable portion of production (in 1939, 18 billion rubles worth in 1932 prices).

From an administrative point of view, a distinction is made between ^{industry} of a) all-union, b) republican, and c) local importance.

Industrial enterprises are ^{either} administered directly by ^a main administration of a people's commissariat or by trusts created by people's commissariats. In the first case the administration is set up in a two-level system--the main administration [glavnoye upravleniye] (glavk) of the people's commissariat and the enterprise; in the second case there is a three-level system--the ^{glavk} main administration of the people's commissariat, the trust, and then the enterprise. In certain branches of industry (coal, petroleum) administration is built on a four-layer system--

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glavk, combine (kombinat), trust, and enterprise.

The two-level system is basic, being in complete ~~xxxxxxxxxxxx~~ accord with the resolution of the ~~XVIII~~ ^{Seventeenth} Congress of the All-Union Communist Party (Bolshevik) on the elimination of ~~xxx~~ intermediate levels between ^{the} people's commissariat and ^{the} enterprise.

In direct administration of enterprises, people's commissariats in the person of the ~~proper~~ ^{corresponding} main administrations appoint directors, chief engineers, and other ^{top personnel} managerial workers of the enterprises, directly ^{directly} organize the work, take care of ~~xxxxxxxx~~ the supplying of technical equipment and material, organize the marketing of production, etc.

In the three-level system of administration (glavk, trust, enterprise) the trust is the level next to the people's commissariat. The trust is an independent economic unit with the rights of a juridical person and operating on ^{the} ~~a~~ self-supporting ^{principle} basis. At the head of a trust there is an administrator ^(upravlyayushchiy) appointed by the people's commissariat. The administrator of the trust ~~xxxxxx~~ independently performs all operational and administrative work of the trust, administers its affairs and the property at its disposal, concludes contracts, and negotiates transactions, and performs operations which are within the ^{sphere} competence of the trust.

The people's commissariat deals with ^{the} enterprises ^{forming} in the trust through the trust.

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Industry of all-union importance is under the supervision of all-union people's commissariats (of Heavy Machine-Building, ^{of} the Chemical Industry, ^{of} Ferrous Metallurgy, people's commissariats of defense industries ~~and~~ of Aviation, Munitions, Armament, Shipbuilding, and other).

The union-republican people's commissariats of the USSR (of the Food Industry, the Timber Industry, the Fish Industry, Construction Materials, and other) administer only a limited number of enterprises directly (according to a list approved by the Presidium of the Supreme Soviet of the USSR) and ^{supervise} ~~manage~~ the rest through ~~union-republican~~ people's commissariats of the same name in the union republics. The difference is that in ~~union~~ direct administration the people's commissariat organizes ^{the work} ~~it~~, takes care of supplying raw materials, approves ~~union~~ accounts and ^{balance sheets} ~~balances~~ of subordinate enterprises, and the like; when ~~the~~ a people's commissariat of the USSR exercises supervision over enterprises ~~union~~ ~~subordinate~~ ~~union-republican~~ under republican ^{officials} ~~management~~ it gives the ^{like-name} people's commissariats of the union republics instructions on the organization of ~~the~~ the work, on obtaining raw materials, and ~~the~~ on the checking of ~~the~~ over-all reports on the work of the enterprises in question.

The drawing up of the plans for ~~developing~~ the development of a

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Industry of all-union importance is under the supervision of all-union people's commissariats (of Heavy Machine-Building, ^{of} the Chemical Industry, ^{of} Ferrous Metallurgy, people's commissariats of defense industries ~~and~~ of Aviation, Munitions, Armament, Shipbuilding, and other).

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The drawing up of the plans for ~~developing~~ the development of a

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certain branch of industry, and also ~~the~~ ^{supervision} technical management (particularly technological discipline), the standardization of industrial ~~production~~ ^{products}, insuring the proper quality ^{in products} of ~~production~~, and so forth, is concentrated in the hands of ~~the~~ ^a people's commissariat of the USSR.

Industry of local importance, ^{to} the development of which ~~has~~ a great deal of attention has been given, is, for the most part, under ~~the supervision of~~ republican people's commissariats of local industry and local fuel industry. ^{The organization of} the administration of enterprises of local industry ^{depends on} is organized according to whether they are ^{it is directly} ~~subordinate to a republic~~ ^{under} ~~or rayon~~ ^{officials} (oblast), or rayon.

Enterprises of republican importance are administered either by main administrations of people's commissariats or by special trusts within the system of the people's commissariat. Enterprises of kray (oblast) importance are administered, as a rule, by kray offices ~~sections~~ ^{of} local industry. Sometimes branch trusts are set up side-by-side with offices. Enterprises of rayon importance are usually combined ^{operated on the principle of self-support} in ~~self-supporting organs~~ rayon industrial combines Rayonnyye promyshlennyye kombinaty (raypromkombinaty).

The main administration glavnoye ypravleniye (glavk) is a basic component part of the people's commissariat (all-union, union-republican, and republican). The glavk is the production and

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technical staff of the direct administration or ^{supervision} management of the subordinate enterprises. The apparatus of the glavk is set up in such a way as to embrace every aspect of the work of the enterprises. Accordingly, the glavk has the following divisions: production-managerial (proizvodstvenno-rasporyaditsl'nyy), technical (technicheskiy), plan (planovyy), financial (finansovyy), personnel (rabochykh kadrov), and salary (zarabotnoy platy). The production-management and technical offices are particularly important. The former is called upon to do the operational and technical ^{supervising} managing or administering, ~~inspect~~ make daily "check-ups", and help ^{eliminate defects} remedy shortcomings in the work.

In connection with the resolutions of the Eighteenth Party Conference on strengthening technological discipline, improving the quality of production, ^{and the} ~~the smooth functioning of~~ ^{making} the productive process, ^{run more smoothly,} ~~the technical~~ the technical divisions ^{have} become more important. They are charged with the following functions: working out problems of technical assistance, technological plans of production, the rules ^{the use of technical equipment,} ~~for technical exploitation,~~ ^{for technical equipment,} technical standards, working out measures ^{mastering the production of} ~~for becoming familiar with~~ new types of equipment, studying the causes of accidents, and working out measures to prevent and eliminate them.

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2. Administration in the Field of Construction

~~xxxxxx~~

With us construction problems have always been not only economic.

~~xxxxxxxx~~ problems but political problems as well.

We have spent huge sums on construction. In the second five-year

plan 58.6 billion rubles was spent on industrial construction alone,

and in the third five-year plan proposed the expenditure of almost

112 billion rubles for this purpose. Construction on such a large

scale requires strict procedure in its planning, organization, and

~~execution~~
carrying-out.

The ~~xxxxxxxxxx~~ annual plans for capital investments are usually

approved by the Government of the USSR. On the basis of the annual

plan the central government departments create branch plans, draw

~~establish~~ ^(of titles) ~~xxxx-xxxx~~ lists (names) of the subjects of capital construction projects

and the total maximum sums (limits) for the financing of each project.

Construction outside the plan without the proper authorization

is forbidden. Only small construction and repair work may ~~be~~ ^{be conducted}

~~for capital construction~~

~~outside work~~ outside the plan at the expense of funds provided for in

the financial plans or at the expense of accumulations above the

plan and the mobilization of internal resources.

The proposed project, ~~the~~ ^{be conducted} ~~annual plan~~, the construction must have the draft assignments which have been

estimated costs, and the working drawings must all

be approved by the authorized organ (the Council of People's Commissars

or the people's commissariat), the technical draft, and the before

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~~and the working plans.~~ any construction is begun.

Until May 1939 administration in the field of construction was ~~con-~~
~~centered~~
centered in the hands of the corresponding people's commissariats.

The growth of industrial construction and the necessity of concentrating
the attention of the people's commissariats on improving the work of
factories and plants required the creation of an all-union People's

Commissariat for Construction. ~~Only this~~ This people's commissariat
The only construction supervised directly by
this People's Commissariat is
manages directly the construction of only the largest factories and
facilities
plants and the living-quarters and cultural construction connected with them.

Industrial construction above the limits (that is, exceeding ~~costing~~
more than
the cost by one million rubles) is under the People's Commissariat

for Construction. Agricultural, railroad, communal, residential, and
highway construction, and also all ~~the~~ industrial construction below
the limit (that is, construction costing less than one million rubles)
remains as before under the ~~proper~~ corresponding people's commissariats
(the People's Commissariat of Agricultural Procurement, the People's
Commissariat of ~~xxxxxx~~ Transportation /Railroads/, the
People's Commissariat of Communal Economy /Narkomkhoz/, the Main
Administration of Highways /Gushosdor/, and the industrial people's
commissariats).

The concentration of the administration of the industrial
above-the-limit construction in the People's Commissariat for Construction
has improved the organization and management of construction (contracted

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(the network of construction and planning organizations, ~~more rationally~~
~~more efficiently, utilizing~~ has been contracted, ~~and~~ equipment and
 machinery are being more efficiently used, etc.).

Newly erected constructions, buildings, and ~~other subjects~~
 may be ~~be~~ put in ^{use} operation only after they have been approved and
 accepted by ^a their special commission appointed by the ^{proper} corresponding
 people's commissariat (for ^{constructions} subjects of union and republican importance)
 or by the executive committee of a Soviet (for ^{constructions} subjects of local
 importance), while, for ~~subjects~~ very large projects of ~~great~~
 particularly great ~~national~~ importance to the national economy,
^{prior} ~~preliminary~~ the approval and acceptance of a commission appointed by the Council of
 People's Commissars of the USSR or the council of people's commissars
 of the union republic is required.

State ^{checking on} ~~control over~~ social construction (~~including~~ residential
 and communal construction, and the construction of social, ~~and~~
 cultural, and educational ~~state~~ institutions) which ^{regardless of what} is not subordinate
^{agency it is under} ~~to a government department, and is not important to any government~~
^{importance is carried out} ~~department is exercised~~ by the Committee on Architectural ~~Matter~~ Affairs
 attached to the Council of People's Commissars of the USSR and the
 administrations for architectural affairs attached to the councils
 of people's commissars of the union and autonomous republics ^{which}
^{and} ~~administrations are operating according to its (the Committee on~~
^{under the aforementioned}

Architectural Affairs Attached to the Council of People's Commissars

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committee's
of the USSR instructions, and also by the *sections* offices for architectural
affairs in the krais (oblasts) and cities, which are under ~~a republic~~ *sections* directly
subordinate to republican officials.

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3. Agriculture and Forestry forests

a) Agriculture. There are two types of socialist enterprises in the agriculture of the USSR—state farms (sovkhozy) and collective farms (kolkhozy).

The state farms are under the administration of the people's commissariats of state farms of the USSR and of the union republics. "The state farms are state enterprises where the state is the complete owner and master, ^{with all the ensuing consequences,} ~~with everything that follows from this,~~ and from this point of view ~~it~~ it does not differ at all from any other socialist factory of the industrial type."¹

The people's commissariats of the state farms ^{supervise or administer} ~~manage or direct~~ the state farms in the same way and on the same ^{principle} ~~basis~~ as the industrial people's commissariats ^{supervise} ~~manage or administer~~ the enterprises subordinate to them. The main component part of the people's commissariat of ~~the~~ state farms is the main administration (~~glavk~~) [glavnoye upravleniye] (glavk), which does not differ at all in the nature of its functions and the extent of its rights from an industrial glavk.

Collective farms are "enterprises set up by peasants who have voluntarily ~~voluntarily~~ collectivized their means of production and who are ~~xx~~ carrying on their farming on ~~xxxx~~ land belonging to the state. The masters of the collective farms are the collective farmers, to whom the ~~work~~ government of workers and peasants gives

~~the Congresses of the~~ ^{S"yezdy Sovetov Soyuz SSSR v postanovleniyakh i rezolyutsiyakh}

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Congresses of The Soviets of the USSR in Decrees and Resolutions, 1939, p. 203

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all kinds of support, diverting the best lands to them, ~~and~~ giving them a considerable number of privileges, and creating a powerful technical foundation for them through the state machine tractor ~~stations~~ ¹ stations".

The state organs do not ~~directly administer but guide and~~ manage collective farms, ^{directly, supervise} but rather guide them. "The affairs of an artel are managed by the general assembly of the artel, and in the interval between ~~meeting~~ assemblies, by a board elected by the general assembly", says article 19 of the Model Code of Regulations of an Agricultural Artel (Primerniy ustav sel'skokhozyaystvennoy arteli). In carrying on state ^{supervision} ~~guidance~~ the ^{governmental} ~~state~~ organs check ~~the~~ the correct application of the artel's ~~code~~ of regulations, establish compulsory animal-husbandry regulations and production plan ^{assignments,} ~~tasks~~ see ~~to the prompt and accurate fulfillment of~~ that collective farmers ^{promptly and accurately} fulfill their obligations to deliver agricultural products to the ~~the~~ government, and ~~so forth.~~ ^{Government organs,} the like. ~~Organ of the state, which~~ without substituting management for organizational work, are required to give continuous assistance to collective farmers, and to ^{supervise} ~~guide~~ collective farm ^{development.} construction. This ^{supervision} ~~guidance~~ must not turn into daily interference in the domestic affairs of the collective farm.

1

S"yezdy Sovetov Soyuza SSSR v postanovleniyakh i rezolyutsiyakh

(Congresses of the Soviets of the USSR in Decrees and Resolutions), 1939, p 203

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The ^{supervision} General guidance of collective farm ^{development} construction ^{is the duty of} belongs to

the councils of people's commissars, the local Soviets, and their executive committees. The People's Commissariat of Agriculture and its local organs (kray, ~~rayon~~ oblast, and rayon offices) are special organs of ~~the~~ state ^{supervision} guidance of collective farms.

Until December 7, 1929 the People's Commissariat of Agriculture was a republican commissariat. In connection with the growth of collective farms it was necessary to introduce unity in ^{the} planning and ^{supervision} guidance of agricultural production on a large scale in the USSR and to concentrate its planning and ^{supervision} guidance in the People's Commissariat of Agriculture of the USSR. From this time on the People's Commissariat of Agriculture ~~affairs~~ has been a union-republican people's commissariat.

The People's Commissariat of Agriculture of the USSR and its local organs operate more than 6.5 thousand machine tractor stations, more than 5 thousand machine tractor workshops (MTW), and about 60 repair plants. ~~Ag~~ Land organs (zemel'nye organy) manage state and animal-husbandry (zootekhnicheskiye) stations, veterinary stations, and the like.

The functions of the People's Commissariat of Agriculture of the USSR include: conducting land-distribution work and carrying out state inspection of the correct ^{utilization} ~~execution~~ by the collective farmers of the land given ^{The collective farmers} ~~them~~ to use for an unlimited time (for eternity) ^{is being properly} ~~the~~ ^{utilized,} establishing ^{agronomical} compulsory ^{supervising} agricultural regulations, ~~the~~ ^{guiding} ~~the~~

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~~personnel to work on collective farms~~
the training of collective farm personnel, ^{and} training agricultural specialists (agronomists, animal husbandry experts, etc.).

In the ~~procedure~~ ^{supervision} of state ~~guidance~~ the land organs and local executive committees ~~XXXXXX~~ see to the accurate execution by the collective farms of laws and decrees of the Government on the development of collective farm production as a whole and of separate branches of agriculture, on the fulfillment of obligations to the government, on the observance of the Stalin Model Code of regulations ^{for} of an agricultural artel, etc., without ~~substituting~~ ^{usurping the} functions of ~~the boards of management of the collective farms and the general assemblies of the collective farmers.~~

The state organs do not have the right to interfere in the operational work of the collective farms; the state organs are forbidden to ~~arbitrarily~~ dispose of collective farm property arbitrarily. Only in the ^{frontier,} belt, ~~near the front,~~ under conditions of war with the German invaders, were local organs of authority ^{authorized} ~~(vested)~~ permitted to organize the harvest of ^{uninspected young} ~~unsupervised~~ crops of collective farms and state farms which were evacuated from the area in question, ~~so in order that~~ ^{office} half the harvested and threshed crop was placed at the disposal of the collective farmers, workers, ~~elderly~~ workers, and members of the families harvesting the crop, while the other half was handed over to the state.

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The forests consist of
 b) Forestry (lesnoye khozyaystvo) includes ~~forestry of local importance~~

~~and of national importance~~ forests of local and national all-union importance, occupying 610 million hectares.

Those

~~Forestry of local importance~~

Sections of forest destined for use in satisfying requirements the needs of wood pulp and products of secondary forest use of rayon;

and village agricultural organizations, collective farms, and the population

are forests of local importance for lumber and other forest products. are forests of local importance. Forests of local importance are administered by forest administrations attached to the councils of people's commissars

of the union republics, manage forests of local importance.

Industry of local importance is managed by The economy in forests is conducted by self-supporting organizations operated on the self-support principle —

the rayon forestries (rayleskhozy). To protect forests of local importance

that the sale as well as and to see to the ~~current~~ felling and removal of timber and to see to the use of other forest products, is properly carried on, the secondary utilization of wood the rayon forestries organize

forest preservation. rayon forestries organize forest conservation services.

~~Water-supply forests and forests of cultural importance~~

conservation Forests of national importance include water-supply forests, and

forests of cultural importance, which are under the Main Administration

Conservation of Forest, Preservation and Reforestation attached to the Council of People's

Commissars of the USSR and the forest conservation preservation administrations

directly subordinate to it in the republics, krays, and oblasts.

Forests of industrial importance are under the economic people's commissariats (the People's Commissariat of Communications, the

People's Commissariat of the Timber Industry, and so forth).

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the rayon foresters organize a forest conservation
service which: protects forests of local importance, sees
that timber felling and selling, as well as the use of
other forest products is properly carried out.

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b) State ^{boards of game} ~~hunting~~ inspection, attached to the councils of people's commissars of the union republics ^{check on the correct} ~~see to the correct~~ utilization of the state ^{game resources,} ~~hunting fund (ekhotnichiy fond).~~ ~~an~~ ^{Boards of} Administrative penalties (fines) ^{Inspections} may impose administrative penalties (fines) and confiscate the products and weapons of illegal hunting for violation of the ~~rights of game~~ ^{hunting} ~~laws~~ ^{reserves} regulations.

c) State regulation of ^{the supply} ~~water~~ ^{reserves} ~~stocks~~ and the organization of the water ^{supply} ~~economy~~ are very important for a number of republics.

In these republics (Uzbek SSR, Turkmen SSR, and others) people's commissariats of ^{The supply} ~~water economy~~ (vodnoye khozyaystvo) subordinate to the People's Commissariat of Agriculture of the USSR have been created. In the Belorussian SSR there is a People's Commissariat of ^(Narkomat melioratsii) ~~Melioration~~ created to direct the draining of swamps and the organization of the utilization of the drained lands by the collective farms. The People's Commissariat of Melioration is also subordinate to the People's Commissariat of Agriculture of the USSR.

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4. Administration in the Field of Procurement

The organization of the procurement of agricultural products is important for ~~the~~ supplying of the population, ^{guaranteeing} securing industrial raw materials, and ^{for creating} ~~to guarantee~~ the necessary state reserves. stocks.

The role of procurement and its steady growth has ~~proved the~~ made it necessary to concentrate ~~necessity of concentrating~~ the functions of procurement in a single centralized state organ--The People's Commissariat of Procurement

of the USSR (Narodniy Komissariat zagotovok SSSR). Procurement takes the form of ^{within periods} ~~consists of~~: 1) compulsory deliveries ~~on dates~~ set by the Government

of the USSR of a ~~specific quantity~~ definite quantity of agricultural products by ~~the~~ collective farms, collective farmers, and ^{individual} ~~peasants~~ ^{"procurement by contract"} ~~peasants farming individually~~ at fixed state prices; 2) ^{"contractations"} ~~contractations~~

(kontraktatsiya), that is, systems of procurement on the basis of

preliminary contracts between procurement organizations and the producers of agricultural products; ^{the centralized and decentralized buying} ~~3) the purchase of agricultural~~ products by procurement organizations. ~~in the centralized and decentralized system.~~

Compulsory deliveries of agricultural products (grain, meat, milk, butter, eggs, sunflower seeds, rice, potatoes, wool, etc.) are the basic type of procurement. A list of the agricultural products placed by the government in the compulsory system and

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and the ~~per~~ classifications of persons who are required to make

deliveries are established by the Council of People's Commissars of

the USSR, which has the right to supplement and amend this list. ~~add to~~

For example in 1940, on the basis of a decree of the Plenum of

the Central Committee of the All-Union Communist Party (Bolsheviks) ~~the Council of~~
People's Commissars of the USSR
introduced new types of compulsory deliveries starting in 1941--eggs,

brynza (TN: a kind of Caucasian cheese), deliveries of horses, and so

forth. The Council of People's Commissars of the USSR also establishes

rayon ~~xxx~~ norms, dates, procedure for settling accounts with suppliers

and other conditions ~~of relations~~ for the delivery of agricultural

products.

The direct organization of compulsory deliveries (calculation of

the size of deliveries according to types of agricultural products,

notification of suppliers, ~~calculation~~ ^{recording registration} of deliveries, action ^{against} ~~on the~~ person

^{not fulfilling} ~~nonfulfillment~~ of deliveries, and so forth) is the duty of the local

organs of the People's Commissariat of Procurement of the USSR--of the

~~full-powered~~
~~authorized xxxxxx People's Commissariat xxxxxx xxxxxx rayon~~

^{plenipotentiary}
authorized agents of the People's Commissariat of Procurement, who are

subordinate only to the higher organs of the People's Commissariat of

Procurement of the USSR.

Oblast, kray, and rayon authorized agents of the People's

Commissariat of Agriculture of the USSR, in carrying out the duties

with which they are charged, ^{enjoy} ~~have~~ a number of ^{basic} ~~essential~~ ^{rights}

They ^{bring} suits in the people's courts with regard to ^{the} ~~compulsory~~ ~~delivered~~

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arrears with regard to in with regard to
 exaction of back debts for compulsory deliveries and the imposition
 of fines. They have right to collect
 may, in an indisputable procedure, carry away indebtedness
 deliveries
 with regard to delivery of grain, meat, potatoes, and the seeds of oil seeds
 which are owed. They have
 olive-culture. Malicious offenders with regard to compulsory
 deliveries are ~~called~~ ^{account in} called to answer to the courts through the
 organs of the public prosecutor. They can confiscate illegally
 stored agricultural products. These officials have the right to impose
 fines for the violation of the laws of decentralized stocks and
 ceiling prices: the rayon ^{authorized agent may impose fines} ~~authority~~ up to 300 rubles, ~~the~~ and the
 kray and oblast ^{authorized agents} ~~authorities~~ up to 500 rubles; they impose fines ^{for} ~~on~~
 the directors of procurement organizations for ^{failure to present} ~~late deliveries of~~
 required reports on time.
 regulation accounts up to 500 rubles for the rayon authorized agent
 may impose fines up to 500 rubles, and
 and up to 1000 rubles for the kray and oblast authorized agents ^{may} ~~impose~~
 impose fines up to 1000 rubles.

Orders and instructions of the authorized agents of the People's
 Commissariat of Agriculture of the USSR (rayon, kray, oblast) and of
 the People's Commissariat of Agriculture of the USSR on ~~questions~~
 procurement of agricultural products are compulsory for all state and
 cooperative organizations.

The following rights given to kray and oblast authorized agents
 of the People's Commissariat of Agriculture of the USSR are very
 important: to deprive ^{persons violating regulation} ~~violators of the~~ established procedure of
 the right of decentralized stocks, and, what is particularly
 important, to suspend the carrying out of resolutions and orders of
 oblast, kray, and rayon ^{contrary to existing law}

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oblast, kray, and rayon organizations on procurement matters.

In 1940 the principle of calculating collective farm deliveries from plan assignments for grain culture and from ^{quantity of} livestock (with regard to meat, and so forth) was replaced by a new principle, since the former had not stimulated the cultivation of new acreage ~~and increase~~ or ^{an increase in} the increasing of the quantity of livestock. According to the new principle established by the decree of the Central Committee of the All-Union Communist Party (Bolsheviks) and the Council of People's Commissars of the USSR in 1940, collective farm deliveries are determined according to the number of hectares of land held, ~~which~~ which insures the further development of agricultural production on the basis of the ^{integration of the} ~~union of~~ ~~interests~~ interests of the state, the collective farms, and the individual collective farmers.

Cotton, sugar beets, medicinal ^{herbs,} ~~cultures,~~ and several other agricultural products are ^{procured} ~~prepared~~ under ^{contract} ~~contractation~~ procedure.

(TN: see p. 128). In 1940 ~~contractation~~ procedure in the procurement of eggs, ^{oil} ~~olive~~ seeds, and grass and hay seed was abolished; now these products are delivered under the compulsory system.

^{Such} Contractation contracts have the force of law and their exact and absolute fulfillment is required. Nonfulfilled obligations with regard to ^{such} ~~contractation~~ ~~treaties~~ contracts incur material ^{penalties} ~~responsibility~~.

(~~previous~~ compulsory premature exaction in kind of the ~~xxxx~~).

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unfulfilled portion of the total annual obligation) or criminal

responsibility, *penalties.*

Centralized and decentralized buying
 Purchases in the centralized and decentralized order of
which are being procured by
 agricultural products prepared for compulsory deliveries and
under the contract system is
 delivery and contractation system are permitted only after the fulfillment
 of obligations to the government *have been met.*

directly
 In addition to conducting compulsory deliveries of agricultural
 products, the People's Commissariat of Procurement and its local
 organs—republican, kray, oblast, and rayon *plenipotentiary* authorized agents—
 organize and direct state contractations, *buying,* ~~which~~ make state government
 purchases and *supervise* ~~directly manage~~ decentralized stocks. *buying.*

The People's Commissariat of Agriculture and its local organs
operate the
 also ~~conduct flour-milling industry and~~ flour mills, ~~enterprises of the~~
enterprises,
 groats industry, ~~and~~ warehouses, and elevators in their system.

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5. The Administration of Socialist Transport

a) Socialist transport (rail, ocean, river, air, and automobile) is ^{very} ~~vastly~~ important for the whole national economy and for the defense of the USSR. Transport ~~is~~ joins the numerous oblasts and rayons of the USSR in ^{a single unit} ~~a single whole~~. To an important degree success in ~~xxxx~~ the building of the economy is dependent upon the state of ~~its~~ transport.

Railroad transportation is of the utmost importance.

Railroad transportation is the most centralized branch of the national economy, almost ~~xxxxxxx~~ like a military organization.

The central organ of ^{governmental} ~~state~~ administration for this ~~xxxxx~~

transportation is ~~xxxx~~ the People's Commissariat of Transportation (Railroads)

(Narodnyy komissariat putey soobshcheniya) (NKPS). The NKPS is

an all-union organ which has local organs in the person of

railroad administrations, the chiefs of which are only subordinate vertically, that is, to the higher ^{government agency} ~~chiefs of xxxxxxxxxx~~

the ~~government~~ ^{agency} department. The ~~territory~~ territory in which a

railroad administration operates does not coincide with the territory

of the ~~ordinary~~ usual administrative units. ~~its~~ The NKPS ~~xxxxx~~

does its own dividing into districts.

The special position of railroad transport explains the introduction of ranks for workers in ~~its~~ its apparatus, ^{supervisory personnel} uniforms for its ~~officers~~, and special code ~~code~~ regulations on

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the discipline of workers and ~~clerical workers~~ office employees.

Special communications, ^{prevention and fire fighting} fire, defense on transport, medical and

hospital service and other organizations are under the NKPS. ^{People's Commissariat of Transportation}

and its local organs
It is the duty of the People's Commissariat of Transportation to see that
~~the linking of~~ sidings are linked up
supervise/intrafactory transport and the approachways with the general

railroad network.

The People's Commissariat of Transportation has the right to
issue ~~universally~~ ^{universally} compulsory regulations for the use of railroad
transport, ^{imposing} ~~introducing~~ administrative responsibility ^{penalties} for the
violation of these regulations.

Ocean transport and river transport are under the corresponding
people's commissariats ~~of Ocean Transport and River Transport~~
of the Maritime Fleet ^(morskogo flota) and of the River Fleet ^(rechnogo flota) respectively.

The administration of these forms of transport ^{has} the same
^{characteristics} special features as administration of rail transport.

The administration is also built on centralized principles.

The local organs of the people's commissariats (ocean steamship
^{river transport} lines, ~~the administration of river transport~~) are subordinate only
to the higher organs of the government ^{agency} department and are independent
of local Soviets and their executive committees. Steamship lines
and ~~the administration of river transport~~ ^{administrations, like} as well as the administration
^{administrations, are operated on the self-support principle.}
of the railroad ~~are self-supporting.~~ Uniforms have been introduced

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^{supervisory personnel.}
~~for~~ ~~officers~~. Discipline is regulated by special codes of
 regulations on the discipline of workers and ^{office employees.} ~~clerical workers~~. The
 right to issue regulations compulsory for the use of transport are also
 reserved to these people's commissariats. The violation of compulsory
 regulations incurs administrative responsibility ^{penalties}.

Military conditions required the introduction of military
 discipline on ~~the~~ rail, water, and air transport. ~~Without exception~~
 In order to ~~maintain~~ introduce strict order ~~in~~ in transport and
 to restrain undisciplined workers in it, in April 1943 all railroads
 and waterways were declared under martial law. The introduction of
 martial law ^{amounts} ~~for the duration of the war~~ transport
 amounted to the following: 1) ^{employees} workers and ~~clerical~~ office
^{"frozen"} workers are considered mobilized for the duration of the war and
 are ~~retained in their work~~ ^{work;} in transport; 2) for offenses in connection
 with their work transport workers answer in the same way that military
^{personnel} ~~servicemen~~ do; 3) ~~cases of all types of crimes~~ ^{involving} offenses of all kinds
 committed by transport workers are tried in military tribunals
 according to the laws of wartime; 4) for an offense in connection with
 his work a transport worker may be sent ~~to~~, upon a decision of the
 military tribunal, to the front to a disciplinary company (if the
 guilty person is not subjected to ^{harsher} ~~more-severe~~ ~~xxxxxx~~ punishment).

In introducing martial law into transport the Presidium of the Supreme
 Soviet of the USSR required the people's commissars of transport, the
 people's commissariats and the chiefs of railroads, steamship lines,

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and the like to insure the ^{resolute} constant application of the Code of Regulations on the Discipline of ^{Office Employees} Workers and ~~clerical workers~~ in Transport, and, particularly in necessary cases, to subject violators of discipline to confinement for 20 days.

The Northern Sea Route is administered by the Main Administration of the Northern Sea Route /Glavnoye upravleniye Severnogo morskogo puti/ (GUSMP) attached to the Council of People's Commissars of the USSR. The tasks of the Northern Sea Route include ^{mastering the} ~~familiarizing~~ navigation of ^{itself} with the Northern Sea Route, developing the productive forces of the Far North, ^{and} organizing and directing procurement and trade in the Far North. The Main Administration of the Northern Sea Route operates through its local organs—the territorial administrations and the trade offices.

^{administered by the} The civil air fleet is under the ~~State~~ Main Administration of the Civil Air Fleet attached to the ~~XXXXXXXXXXXXXXXXXXXX~~ Council of People's Commissars of the USSR and its territorial administrations. The civil air fleet services several branches of the national economy (agriculture and forestry), performs scientific research and cartographic work, ^{transports} ~~gives~~ medical and ^{hospital} ~~ambulance~~ service, ~~etc~~ and so forth. The work of the civil air fleet is regulated by a special code—the Code of the Air Fleet.

^{republican people's commissariats} The ~~people's commissariats~~ of automobile transport, ^{created} in 1939

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to ~~xxxxxx~~ direct automobile transport, occupy a special place.

The people's commissariats of automobile transport exercise the functions of ^{guidance} ~~direction~~ but not of management, ^{inasmuch} ~~in-so-far-as~~ automobile transport

is under the direct management of organizations, establishments, and enterprises. These people's commissariats are called upon to organize the employment of automobile transport, establish uniform standards for its employment, expand the network of repair bases, garages, service stations, and organize the training of drivers, engineers, and technicians--automobile transport workers. Finally, people's commissariats of automobile transport cooperate with the road administrations attached to the councils of people's commissars of the union republics in improving the roads.

b) In the USSR ~~there is no difference between~~ a distinction is made between roads of all-union, republican, and local importance.

Roads of all-union importance are under the Main Administration of Highways Glavnoye upravleniye shosseynykh dorog (Gushosdor) attached to the People's Commissariat of Internal Affairs of the USSR and its (Gushosdor's) local organs--the ~~administrations of highway~~ ^{administrations} attached to the People's Commissariats of union and autonomous republics, branches attached to kray and oblast administrations of the People's Commissariat of ~~Foreign~~ Internal Affairs, and ^{individual road} ~~the~~ administrations of individual roads, which ~~last administrations~~ are subordinate only to their own higher organs.

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This system of organs performs the service of ~~xxx~~ building roads, ^{builds} of all-union importance, keeping them in repair, and ~~organizes~~ ^{organizes} the defense of these roads.

Roads of republican and local importance are under the road administrations attached to the councils of people's commissars of the union and autonomous republics and their local organs--oblast, kray, and rayon road offices, which are ~~xxxxxx~~ "dual" subordinate.

Funds from the union budget are assigned to the construction and repair of roads of all-union importance, and funds for ~~the construction and repair of other roads~~ assigned from republican and local budgets and from self-taxation go ~~in~~ into the construction and repair of ~~the~~ the remaining ~~rest of the roads~~, while, in addition, special appropriations are assigned by state farms and machine-tractor stations to roads of local importance.

The labor participation ^{by} of the agricultural population in the construction of roads ^{plays an important part} plays an important role. Collective farmers and peasants ^{farming as individuals of ages} ~~working individually~~ ^{for men and} men from 18 to 45 years of age and ^{for women} women from 18 to 40 ^{work on the} are required to participate in road projects. They must give six days of free labor per year and ~~xxxx~~ ^{the} put draft animals ^{tools and implements} ~~xxxxxx~~ and vehicles which they own at the disposal of the road organs for the same period.

^{On} At the recommendation of the Government, collective farmers are

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union and autonomous republics and their local organs--oblast, kray,

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divided up into permanent brigades for convenience. The work of the permanent brigade is ~~is~~ taken into account in the ^{collective farm's} general plan of labor participation in road ~~xxx~~ building.

The movement ^{to use the} of collective farm masses ^{population} to improve existing roads and build new ones has ^{greatly expanded} ~~xxxxxxxxxxxxxx~~ grown considerably in recent years.

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6. The Administration of Communications

The administration of communications ~~is for~~^{of} general use is ~~centered~~ centered in the all-union People's Commissariat of Communications and its local organs—the oblast (kray) administrations of communications, and the okrug, city, and rayon offices of communications.

There are ^{special-purpose} communications, of special assignment, with regard to which the People's Commissariat of Communications does not ~~enjoy~~^{exercise} have ~~exercise~~ operational and managerial rights, under several people's commissariats (the People's Commissariat of Defense, the People's Commissariat of the Navy, the People's Commissariat of Transportation, Railroads).

In addition to rendering the service of delivering correspondence the organs of communication ~~for~~^{of} general use perform a number of other functions (for example, take subscriptions for newspapers and magazines).

The organs of communication carry out their work on the basis of the following regulations: the contents of correspondence (letters, packages, money orders, telegrams, and other types of postal dispatches)

are kept secret; ^{holding,} the ~~delaying~~^{delaying}, inspection, or seizure of correspondence, or ^{the acceptance} of any kind of ^{inquiries about it from} ~~investigating authorities~~ ^{by investigators} is permitted only with ^{the permission of the people's public} ~~the permission of the people's public~~ prosecutor; making levies, ^{under} ~~proceedings being initiated by the incontestable~~ ^{money or goods} procedure or through attachments ^{values being delivered to liquidation} ~~values being delivered to liquidation~~ ^{mailed} for the purpose of the indebtedness of either the sender or the addressee ~~for taxes,~~

~~taxes, fees, and~~

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with regard to taxes, fees, and other obligations, is not permitted;
 are to be confiscated when they
 articles ~~which~~ the sending of which is prohibited, and which are

found in the mail, ~~are subject to confiscation~~; the contents of
 packages sold, but for ~~confiscated~~ the sender
 undelivered mail may be ~~retained~~ with the retention of the right
 has the right to claim;
~~xxxxxxsenderxxxxxx for one year by the sender of the~~
 the sum received from this sale;
~~rightxxxxxx but the sender has the right for one year to~~

demand the sum ~~xxxxxx~~ received; the organs of communication must make
 recompense
 incurs material responsibility for loss of mail.

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7. The Administration of Soviet Trade

The organization of Soviet trade and its improvement is one of the most important tasks of the Soviet state. In the field of trade the Government of the USSR ^{approves} ~~establishes~~ plans for expanding ^{the} wholesale and ^{retail trade} ~~resale~~ network, and establishes ^{uniform} ~~unit~~ ^{general} ~~group~~ (vedinyye) prices, and so forth.

The People's Commissariat of Trade of the USSR, the people's commissariats of trade of the union and autonomous republics, and the kray, oblast, city, and rayon ^{sections [otdely]} ~~offices~~ of trade are charged with the ^{direct} supervision of all Soviet trade.

The People's Commissariat of Trade of the USSR and its organs for administering state trading enterprises supervise all trade systems ^(regardless of whom they are under) ~~(independent of supervision)~~, present requirements regarding the output of needed goods to industry, work out and ^{set up trade} ~~establish~~ regulations compulsory trade regulations, and so forth.

The administration of directly subordinate trade enterprises is built on the same principles as the administration of industrial enterprises.

Within the people's commissariats of trade the basic ~~unit~~ ^{component} organ is the main administration ~~(glavk)~~ ^[glavnoye upravleniye] (glavk) the organization of which is analogous to the glavk of an industrial

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people's commissariat. The ^A ~~main~~ main administrations of ~~the~~ the

People's Commissariat of Trade consist of trade-managerial.

(torgovo-rasporvaditel'nyye), goods (tovarnyye), and planning-financial

(planovo-finansovyye) ^{sections} ~~offices~~, a capital construction ~~section~~ ^{division}

(sektor kapital'nogo stroitel'stva) and a personnel and wages division.

(sektor kadrov i zarabotnoy platy).

The board of ~~state trading inspection~~ ^{checks up on} for state trading, ^{inspection board} ~~which exercises control over~~ the observation of the laws and

decrees by all trading organizations, regardless of to whom they

are subordinate, ^{boards} occupies a ~~special~~ special position. Boards of

Trade inspection ^{boards} have the following rights: to call offenders to

account, ~~xxxx~~ transferring ~~the~~ cases to the courts and to

the public prosecutor; to impose fines; to give trade organizations compulsory

instructions on eliminating ^{defects} ~~shortcomings~~ which have been disclosed,

and so forth.

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CHAPTER IX

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ADMINISTRATION IN THE FIELD OF SOCIAL AND CULTURAL DEVELOPMENT

The second phase of development [see p. 4] of the socialist state is characterized by the expansion of the role of the cultural and educational work of state organs. *Corresponding to this, Correspondingly, there has been a rapid increase in* state expenditures for social and cultural measures *grew rapidly* ~~(these expenditures were nine times expenditures for 1931)~~. New organs of *governmental* state administration were created—the Committee for Higher Education Affairs, ~~the Committee for Art,~~ ~~the Committee for Art~~ (Komitet po delam vysshey shkoly), the Committee for Art *Affairs* (Komitet po delam iskusstv), the Committee for Motion Pictures *Affairs* (Komitet po delam kinematografii), and others.

The third five year plan provided for *improving the* ~~satisfying the~~ workers' *standard of living and fulfilling their cultural needs,* ~~needs and desires of for~~ *and* ~~and cultural services,~~ raising the cultural *and* technical level of the working class of the USSR up to the level of engineering-technical workers. In 1944 54.4 million rubles were assigned as compared with 41.7 million rubles in 1940 and 38.6 million rubles in 1939.

accomplishment
The ~~realization of the~~ tasks set by the third five-year plan are very important, since "every step along the way of true socialist culture not only *gives immediate* ~~gives its quick~~ results, but *creates the ground* ~~creates the ground~~ for the transformation of socialism into communism".

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prerequisites

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60for the transformation of socialism into communism".¹

The administration of social and cultural development is made up of administration in the fields of education, ~~in the field of health, preservation, and in the field of social security.~~ ~~There~~ In all these fields ^{there is} the greatest decentralization of operative functions ^{concurrent} ~~takes place along with the centralization of planning and xxx guidance in on~~ ^{fundamental} ~~basic~~ matters.

Half the expenditures on social and cultural measures ^{come under} ~~fall within~~ the local budget. This is ^{apparent} ~~evident~~ from the data on the distribution of expenditures on social and cultural measures in 1939 according to financing sources (see table 2).

Table 2

Expenditures on	Union Budget	Republican Budgets	Local Budgets
	in Percentages		
Education	22.9	17.1	60
Health	11.8	14.1	74.1
Social security	--	83.3	16.7
Benefits to Mothers with of many children	100	--	--
State insurance	100	--	--
Total	31.5	17.6	50.9

¹

Molotov, K dvadtsatiletiyu Oktyabr'skov revolyutsii (The Twentieth Anniversary of the October Revolution), Partizdat, 1937, p. 22

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In 1944 71.1% of the total^{ed} union-republican budgets went
into social and cultural measures.

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1. Administration in the Field of Education

The work of the Soviet state organs in this field includes the administration of schools (higher, middle, and ^{primary}~~elementary~~), the conducting of ~~xxxx~~ political-educational work outside the school (libraries, theaters, motion picture theaters, museums, and so forth) and the development of art.

1. Scientific research establishments of the USSR are either ^{incorporated into the} ~~united to~~ the Academy of Sciences of the USSR or attached to the corresponding people's commissariats (independent main administrations).

The Academy of Sciences of the USSR is under the Council of People's Commissars of the USSR and operates on the basis of ^{a set} ~~the code~~ of regulations, ^{approved} ~~established~~ by the Government of the USSR. The plan of scientific research work of the Academy of Sciences of the USSR is ^{approved} ~~confirmed~~ by the Council of People's Commissars of the USSR. ~~The Presidium~~ ^{All matters concerned with scientific research institutes} incorporated into the Academy of Sciences of the USSR. ~~Presidium, supervises all the~~ ^{are supervised by the Academy's Presidium,} ~~affairs of the scientific-research institutes, which is elected by the~~ general assembly of ~~the~~ ^{the} academicians, ~~supervises all the affairs of~~ ^{the scientific-research institutes, which are joined to the Academy.}

The scientific research ^{institutes} ~~institutes~~ ~~xxxxxx~~ of government ^{agencies} ~~departments~~ ^{supervised} are directed by the corresponding people's commissariats (independent main administrations). ^{the latter} ~~They~~ approve plans of scientific research work, ^{the} ~~the~~ ^{the} ~~supervise~~ ^{the} ~~control~~ the work of the institutes. All scientific research institutes are.

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required to work on the basis of close cooperation with ²⁶⁸practical ³socialist construction in practice and to assist state organs to decide problems of the national economy.

2. Schools. The middle schools (complete are ^{ten grades} 10 classes and the incomplete are ^{seven grades} 7 classes) are under the republican people's commissariats of education. There are decrees of the All-Union Communist Party (~~Bolsheviks~~) ~~and the~~ Council of People's Commissars of the USSR on the ^{very} ~~most~~ important matters of the organization and work of the middle schools--on the organization of ^athe ^{school} teaching work, the internal management of the school, the teaching of history, geography, and other subjects, and so forth.

The People's commissariats of Education and their local organs in the krais, oblast, cities, and rayons ^{sections (otdel)} ~~the offices~~ of national education--
^{carry out} put into practice the resolution of the Eighteenth Congress of the All-Union Communist Party (~~Bolsheviks~~) on universal middle school education in the cities ~~and~~ the completion of a universal ~~middle~~ education in rural areas, and
 increasing the number of children receiving seven-year education in rural areas.
~~seven-year education in rural areas with increasing~~ increasing ten-year education in rural areas.
~~the number of children in schools xxxxxxxx in rural localities by~~
~~means of ten-year schooling in rural localities.~~

The organs of national education are charged with the duty of carrying out a number of measures in the field of national education, which (measures) were ordered by the Government in 1943 and 1944.

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~~On compulsory middle-school education in the cities
and the completion of compulsory seven year education^{rural districts}
Coupled with the endeavor to increase at the same time
the number of children in rural districts obtaining a
ten year education.~~

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This means~~There is talk of~~ universal education starting at ~~the~~ seven years of

age (beginning in the 1944-45 school year), separate instruction for

boys and girls, strengthening school discipline, introducing the

five-mark system of evaluating the ^{achievement} ~~success~~ of pupils, and so forth.

Carrying out the law on the universal education of children

of school age is of the greatest importance. ~~In 1929~~ In 1930it was established by law ^{union republican} ~~of the union-republics~~ that parents~~are~~ ^{reach} required to send children to school when they ~~reached~~ schoolage. By these same laws ^{parental} ~~responsibility~~ ^{accountability to} in the administrative system.(on the principles established by compulsory ^{decisions} ~~decrees~~ or resolutions

of local executive committees taking into account the national and

cultural ~~and~~ customs of the area) for refusal to send children to school

was established. (See, for example, the decree of the All-Russian Central

Executive Committee and the Council of People's Commissars of the RSFSR

of Aug 10, 1930--Sobranie zakonov /Collection of Laws/ 1930, No. 39,

p. 479).

The measures which are being adopted with the purpose of ~~raising the~~

improving the quality of preparation in the middle and primary

schools--the five-mark system of ^{grading} ~~evaluating~~ achievement and the compulsory^{taking} ~~giving of~~ (beginning in the 1944-45 school year) of examinations ^{are very important.}to certify matriculation. ^{The} By decree of the Council of People's

Commissars of the USSR of June 21, 1944, the system of awarding

a gold medal to those ^{who have graduated from} ~~finishing the~~ middle school with grades of"excellent" in all subjects and a silver medal to those ~~finishing~~

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who have graduated with grades of "excellent" and "good" ^{was established.}

The people's commissariats of education are charged with ~~zhukhina~~ seeing ~~to the correct awarding to teachers~~ ^{that} the personal titles "primary school teacher", and "middle school teacher" ^{are currently awarded to teachers.} These titles are awarded by the commissions attached to the kray (oblast) offices of the national education ^{to} those persons who have not had the proper education, but who have taken the ^{official} ~~established~~ examination, and also by the state examination commissions to those persons who have graduated from special ^{educational} ~~teaching~~ institutions. The title of "distinguished teacher" is awarded by the presidium of the supreme soviet of the union republic.

Personal titles are lifelong titles; they may be taken away only by decision of a court.

Only a person with the proper certificate may occupy the position of teacher. The appointment, transfer, and dismissal of teachers are conducted in the centralized system--teachers up to the seventh class inclusive, by the kray (oblast) offices of national education, and teachers of the eighth, ninth, and tenth classes, by the people's commissariats of education of the union republics.

Since 1930
3. The higher educational institutions, with the exception of the pedagogical institutes and universities, which are ~~xxx~~ under the people's commissariats of education, have been under the

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corresponding people's commissariats (independent administrations)—
law under the People's Commissariat of Justice, agricultural under the
People's Commissariat of Agriculture, and medical under the People's
Commissariat of Health.

The rapid increase in higher educational institutions and ~~ix~~ in
the number of students in them and also the problem of improving
the scientific training of personnel has made it necessary to
centralize the supervision of the higher school. The All-Union
Committee for Higher ^{Education} Schools / Всесоюзный комитет по делам высшей
школы / (VKVSh) attached to the Council of People's Commissars of the
USSR, which ^{committee} was created May 21, 1936, is ^{this} ~~one~~ central organ.

The Committee for Higher ^{Education} Schools supervises all higher educational
institutions regardless of whom they are under. The management of these
higher educational institutions is, as before, under the people's
commissariats.

The Committee considers plans of development for the higher schools
and ^{institutes} ~~introduces~~ them on the approval of the Council of People's Commissars
of the USSR, approves standard educational plans and programs on
general political discipline, approves directors of the higher educational
institutions who are appointed by the corresponding people's commissariats,
and ^{appoints} ~~the~~ holders of ~~the~~ chairs.

In 1943 the All-Union Committee for Higher ^{Education} Schools was charged
supervision of ^{methods} ~~teaching methodology~~ ⁱⁿ ~~direction of~~ technical schools—
industrial—~~agricultural~~ ~~economic~~

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industrial, economic, transport, and communications.

The Committee for Higher ^{Education} Schools awards the ^{academic} ~~academic~~ titles of professor and lecturer and approves the decisions of the academic councils of the higher educational institutions on the awarding of the ^{academic} ~~the~~ degree of doctor of science. The resolution of the Academic Council to award the degree of candidate of science does not require ~~confirmation~~ approval by the All-Union Committee for Higher Schools ^{Education}.

Academic titles and academic degrees have been introduced for the purpose of encouraging scientific workers and raising their qualifications. The academic title and academic degree have another purpose--to state ^{a scholar's} the scientific and scientific-pedagogical ~~skill~~ qualifications. ~~qualification of this kind which has been obtained by a certain scientific scientist.~~

The title (professor or instructor) and the degree (doctor of science or candidate of science) is awarded depending on the qualifications ~~skill~~ (that is, total knowledge, degree of independent scientific work, its importance) of the scientific worker.

The internal operations of ^a the higher educational institutions ^{is} ~~are~~ regulated by its code of regulations, which is worked out by the Academic Council of Higher Educational Institutions and Establishments of the All-Union Committee ^{for} Higher Education. The ~~code~~ ^{govern} of regulations ^{govern} regulate the rights, duties, and responsibility of students, and the rights and duties of ^{the} teaching personnel ~~and~~.

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and ~~the~~ ^{the} administration of the higher educational institutions.

4. The people's commissariats of education and their local organs ^{supervise} guide political-educational work. They have the duty of supervising ^{checking up on the work of} ~~exercising state control~~ supervision over all libraries ^{for used by}

^{the} public use. The people's commissariats of education and their local organs ^{supervise} ~~manage~~ operate village reading rooms, collective farm clubs, and so forth. Trade union clubs are ^{supervised} run by the corresponding trade unions. ^{Regional research} Museums of regional studies of republican and local importance are ^{also} under the people's commissariats of education.

5. The All-Union Committee for Art Affairs, attached to the Council of People's Commissars of the USSR, which committee was formed in 1936, is the central organ guiding the development of art. Previously, the development of art was ~~under the control of~~ for the most part under the people's commissariats of education.

The All-Union Committee for Art Affairs was formed in connection with the rapid rise in the cultural level of the workers and in connection with the necessity of satisfying the needs of the population in the field of art, and also ^{for the purpose} in the field of uniting all ^{supervision} ~~guidance~~ in the ^{field of the} ~~field~~ development of art.

The Committee for Art Affairs operates the theaters, museums and other entertainment and artistic establishments, exercises

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performances, exhibitions, 269 ✓

political-ideological control over all presentations, shows, and so forth, ^{and} manages the most prominent artistic enterprises and establishments of all-union importance directly. The remaining artistic enterprises ~~of all-union~~ and establishments are managed by the All-Union Committee through the administrations for art affairs attached to the ~~people's~~ councils of people's commissars of the union and autonomous republics and the kray (oblast) executive committees of the Soviets of Workers Deputies.

6. The supervision of motion pictures is the duty of the All-Union Committee for Motion Picture Affairs attached to the Council of People's Commissars of the USSR. The largest motion picture studios, ~~plants~~ the factories producing motion picture equipment, duplicating factories, and so forth, are under ~~the direct management of the~~ ^{under the} Committee. The Committee manages the remaining establishments and enterprises through the ~~administrations~~ motion picture administrations attached to the council of people's commissars of the union and autonomous republics (except for the RSFSR) and the kray (oblast) executive committees of the Soviets of Workers' Deputies.

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2. Administration in the Field of Health

1. The Sixteenth All-Russian Congress of Soviets in 1935

pointed out that neglect of the national health, no matter who is responsible, is a direct violation of the national interests. Until 1936 supervision in the field of health was centered in the republican commissariats of health. The right to lay down the basic principles in the field of safeguarding health ^{was} retained by the organs of authority and administration of the U.S.S.R. The Stalin Constitution also retained the division of ^{powers} competence between the organs of authority ~~xxxx~~ and administration of the USSR and of the union republics.

In order to centralize ~~the~~ supervision and planning in basic ~~fundamental~~ matters the republican people's commissariats of health were

reorganized in 1936 into union-republican people's commissariats.

As a rule,

The People's Commissariat of Health of the U.S.S.R. ^{supervises} ~~manages~~ the safeguarding of health ~~in accordance with~~ through the

people's commissariats of health of the union republics. Several

of the most important functions are concentrated in its hands—

the sanitary guarding of the borders of the USSR, the ^{supervision} ~~operation~~

~~of the anti-regular sanitary guard~~, working out ^{of general sanitary guarding} measures for ^{preventing and fighting} ~~the~~

~~fight against~~ epidemics and supervision of such matters, approval

^{regulations} of the ~~laws~~ for the preparation and ^{distribution} ~~issue~~ of medicines, and

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and the issue of permits for the use of new medical preparations, etc.

The People's Commissariat of Health of the USSR ~~is~~ manages

~~directly by~~ the largest and most important medical establishments
and hospitals ^{directly} health resorts, the hospital administration of the Kremlin,
several children's bone and tuberculosis sanatoriums, a network of
anti-plague establishments, and others. The People's Commissariat of
Health of the USSR also manages ^{directly} industrial enterprises manufacturing
medicinals, medical instruments, and apparatus and articles for the
care of the sick.

The remaining medical establishments and hospitals are managed
directly either by the people's commissariats of health of the union
and autonomous republics or by the local organs of ^{public} health ~~protection~~
(the latter group of medical establishments and hospitals constitutes
the majority).

As has been previously stated, the ~~sanitary guard of the border~~
of the borders of the USSR is under the People's Commissariat of Health.
^{guard performs a function provided for by international conventions}
the USSR. This sanitary ^{it} prevents the ~~carrying~~ of contagious diseases

(bubonic plague, cholera, yellow fever, and others) into the
USSR from abroad ~~and~~ ^{and} ~~or carrying them~~ out of the USSR abroad, as
~~is provided for by international conventions.~~ The People's
Commissariat of Health of the USSR has a group to conduct measures

connected with these conventions, among them informing foreign
governments of ^{health} ~~the sanitary~~ conditions ⁱⁿ of the USSR and receiving the
same information on ~~the~~ conditions in the foreign states.

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Where necessary the organs of sanitary guarding of the borders apply medical sanitary measures (inspection of freight, disinfection, and so forth) and administrative sanitary measures (prohibition of exit, entry, closing the borders). ^{boards of sanitary inspection} State ~~sanitary~~ inspectors, at the head of which is the state sanitary inspector of the USSR attached to ~~xxxxx~~ the People's Commissariat of Health of the USSR and the government department boards of ^{sanitary} ~~health~~ inspection (in the food industry, on transport) have charge of sanitary guarding. ~~xxxx: the sanitary guards within the borders operate the sanitary guard within the~~ USSR.

The state sanitary inspector of the USSR works out the universally compulsory sanitary standards and regulations, noncompliance with which incurs administrative or criminal ^{penalties} responsibility. The state sanitary inspector of the USSR and his local organs—the boards of inspection in union and autonomous republics, krays, rayons, cities, ~~precincts~~ city precincts, and in ~~xxx~~ individual enterprises—exercise sanitary supervision over enterprises of the food industry, trade in food products, ~~xxx~~ public ^{nourishment} kitchen enterprises, and so forth. They also exercise control over ^{agency} ~~check on~~ the operation of government department sanitary services.

State sanitary inspectors have the right to give instructions compulsory for execution on matters of sanitary inspection and the anti-epidemic ^{regulations} ~~system~~. They can suspend the operation of an enterprise of the food industry, ^{of} trade in food products, or ~~xx~~ of public nourishment.

~~xxxx~~

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sanitary
until violations discovered in them have been remedied. Similarly,
they can prohibit the use of production, trade, warehouse, and other
space because of their unsanitary condition until the necessary
sanitary measures have been taken.

The state sanitary inspectors may, ^{through the organs of the public}
^{call} ~~with the guilty, or persons~~ prosecutor, call
guilty of violating the established sanitary and hygienic standards
and regulations to account in the courts, or impose ^a fine on the offender
when the offense has no marks of a criminally punishable act.

The state Sanitary Inspector of the USSR and his deputy may impose
~~fixxxa~~ fines up to 500 rubles on the directors of ~~ix~~ enterprises and
establishments, and also on other workers directly responsible for
the observation of the established ^{regulations,} sanitary ~~system~~, and up to
5000 rubles on enterprises and establishments. The state sanitary
inspector of a union republic may, in corresponding cases, impose
fines up to 300 rubles and 3000 rubles, while local inspectors may impose
fines up to 100 rubles and 1000 rubles.

An order imposing fines may be appealed ^a by to ~~ixx~~ higher sanitary
~~ixx~~ inspector. In this case the appeal suspends the carrying out of ~~ix~~
the order of the state inspector until the ~~ixxixixixixixixixixixix~~ resolution
~~of the complaint by the higher inspector~~ ^{acts on the complaint.}

2. Physical culture and sport are directed by the All-Union
Committee on Physical Culture ~~mxaffairs~~ and Sport (Vsesoyuznyy
komitet po delam fizkul'tury i sporta) attached to the Council of

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People's Commissars of the USSR and ~~its~~ its (the All-Union Committee's) local organs—republican (except RSFSR), kray, ^{and} oblast, committees on physical culture and sport, and city and rayon committees which ~~have been created~~ which ^{have been} ~~are created~~ are created where most necessary. These organs are charged with the carrying out of state control over ^(TN: checking on) ~~physical training and sport~~ physical training and sport, and particularly over the activity of voluntary sport societies, the training and distribution of physical culture personnel, and so forth. The All-Union Committee establishes standards for receiving the badge "Ready for Labor and Defense".

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3. Social Security

"Citizens of the USSR have the right to material security in their old age and also in case of illness and loss of the ability to work" (art. 120 of the Constitution of the USSR). This is the opposite of the ^{charity} ~~system of looking after welfare~~ in bourgeois states, where providing for those who are in ^{want} ~~need~~, invalids, and other needy are ~~the affair of~~ ^{concern} ~~welfare~~ ~~for the most part the~~ ~~affair of welfare~~ societies of charitable societies.

State social security in the USSR is centered in the organs of social security headed by the people's commissariats of social security headed by the people's Commissariat of social security. The people's commissariat of social security is a republican commissariat. The offices of social security in krais, oblasts, cities, ~~xxx~~ and rayons ^{The} are local organs of this ~~xxx~~ people's commissariat. ^{are} the offices of social security in krais, oblasts, cities, and rayons. ^{Supervision of social security is} The duty of the highest organs of state authority (~~state~~) and state governmental administration of the union republics have the duty of supervising social security. ¹³⁵⁴²⁵ The Government of the USSR gives instructions on the most important matters (method of calculating pensions, the sizes of pensions, and so forth).

The people's commissariats of social security and their local organs perform the following basic functions: 1) assigning and delivering

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pensions, 2) job placement of invalids who have partially retained

their ability to work, 3) placement of the ~~xxxxxx~~ aged and other

needy persons in special ~~xx~~ institutions (invalid's homes, ^{homes for the aged} 4) state

supervision of social organizations (the ~~cashboxes~~ ^{banks} collective farm

~~assistance~~, ~~the xxxxxx-cashboxes~~ of mutual insurance, and ~~of the~~ ^{credit societies} credit

mutual aid of ~~xxxx~~ industrial cooperatives, and so forth).

1. Pension security. There are the following pensions:

- 1) to ~~xxx active servicemen~~ ^{persons in the armed forces} who have become ~~invalids~~ ^{invalids} 2) personal pensions to persons who have exceptional ^{records of achievement} ~~qualities~~, 3) academic, 4) pensions for years of service, 5) to labor invalids, 6) ~~old age~~ ^{pensions} and 7) ^{pensions} in case of loss of a breadwinner.

Pensions are paid by the offices of social insurance to ~~persons~~ ^{the armed forces} ~~servicemen~~ who are enlisted personnel ~~who have~~ ^{who are} serving the required period, and who have become invalids in consequence of wounds, contusions, or ~~xxxxxx~~ ^{physical injuries} ~~received in battle while defending~~ the USSR or while performing other obligations of military service, ^{as a result of having fallen} ~~or in consequence of falling ill at the front.~~

The rights of ~~active servicemen who are~~ officers and their families

to pensions are discussed in sec. 1, chapter VII. ~~xxx~~ These pensions

are included in the estimates of the People's Commissariat of Defense

and are assigned by the military organs.

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The size of the ^{serviceman's} pension depends on the reasons for the advent of
^{incapacitation} ~~invalidism~~ ^{wounds or injuries} (wounding or maiming received while performing duties in
 the line of service or ^{incapacitation} ~~the advent of invalidism~~ as a consequence of
 an ~~xxxxxxx~~ accident not connected with the performance of duty),
 on the ^{class} ~~type~~ of ^{incapacitation} ~~invalidism~~ (which is determined by a commission of
 medical experts according to the degree of incapacitation) and the
^{type} ~~amount~~ of the average monthly wage until induction into military service.

When invalidism is in consequence of ^{incapacitation} ~~wounding or maiming~~ the
 pension will be ^{larger} ~~more~~ than when invalidism is in consequence of an
 accident not connected with the performance of duty.

The greater the degree of ^{incapacitation} ~~invalidism~~
 A large pension is paid to the invalid ~~xxxxxxx~~ lost his
 the larger is the pension paid to the invalid
 ability to work to a large degree.

Service personnel of ^{rank of private} ~~rank of private~~ who
 prior to induction, were employed as workers or office employees
~~xxx~~ worked in the military service as a worker or clerical worker
 are not entitled to a pension ^{until} ~~xxx~~ induction into ~~xxx~~ military service can not be more than

400 rubles or less than 40 rubles; the pension of a person who
^{office employee prior to} ~~did not work as a worker or clerical worker~~ until induction

can not be less than 56 rubles or more than 160 rubles.

The pensions to families ^{of persons in the armed forces} ~~to servicemen~~ are appointed by offices
 for state security and for procuring necessities for ^{service men's} ~~the families of~~
~~xxxxxxx~~ men in military service.

The size of the pension to the family of the ~~serviceman~~ ~~xxxxxxx~~ ~~person~~
~~xxxx~~

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of ^{the causes of the} ~~who is a private depends on whether it is a~~ ^{the} ~~breadwinner~~

(whether killed at the front or missing or whether he died of an ordinary ^{prior to his} ~~common~~ illness), on the earnings of the serviceman before being inducted into the military service and upon the number of persons

in his family who are unable to work. The pension to the family of a man in military service is ^{larger} ~~higher~~ ^{if} he died in the performance of service duties. ⁹ The pension ~~is~~ is calculated as a percent (from

35 to 60%) of the average monthly wage of the serviceman ^{prior} ~~before~~ his induction into the military service, depending on the number of

persons left in his family who are unable to work. If this ~~killed~~ ^(killed or missing in the performance of service duties) or missing serviceman ^{prior to his} ~~did not work as a worker or clerical worker or office employee~~ up until induction into military service, the family is allotted a

pension of from 40 to 90 rubles (depending on the number of persons ~~xxxxxxxx~~ unable to work who are left behind).

The family of the man ^{the} ~~in~~ service who ~~died~~ died as a result of an ordinary illness ^{is} ~~are~~ allotted a pension of from 40 to 80 rubles (also depending on the number of persons unable to work).

The pension ~~is~~ allotted to noncommissioned officers ^{his} ~~their families~~ serving the required time and also to ~~their families~~ his family after his death is 25% ~~higher~~ ^{larger}.

Personal pensions are allotted by the Council of People's Commissars of the USSR, the councils of people's commissars of the union and autonomous republics, and the local executive committees (krai, ^{CONFIDENTIAL} oblast, and city) to persons who have ^{records of a achievement} special qualifications or to their

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families. The size of the pension is set by the organ allotting the pension.

Academic pensions are allotted by the people's commissariats of social security to scientists ~~whose professional experience~~ who have at least 25 years' professional experience, including ~~at least~~ at least 10 years under the soviet regime. The maximum amount of the pension is 500 rubles.

Pensions for years of service are allotted by the people's commissariats of social security to several categories of workers (medical and veterinary workers, agronomists, and others), who have no less than 25 years' experience. The pension is no more than 150 rubles and no less than half the average monthly wage for the last year of ~~service~~ employment.

~~Citizens suffering in the line of the participation in the liquidation of landing forces, saboteurs, and so forth under the same setup.~~ ~~are taken care of~~

Pensions to labor invalids are allotted by the offices of social security in case of invalidism as the result of ^{injuries received} ~~loss of limb~~ while working, ~~or of falling ill in connection with their occupation~~, or in case of ^{occupational or} ordinary illnesses.

Citizens who have suffered from enemy action while performing labor duty, or ~~approx~~ in carrying out ~~special decrees~~ the duties to protect buildings, or on servicing the population, ^{are entitled to} the same social security benefits as persons whose invalidism is caused by ~~loss of~~

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injured
~~limb~~ at work.

who suffered from enemy action while participating
 Citizens, ~~suffering in the time of the participation in the~~

liquidation of landing forces, saboteurs, and so forth ~~are~~ *are*
 also ~~have~~ *entitled to* the same social security benefits.

~~When invalidism~~

incapacitation

When ~~invalidism~~ *incapacitation* resulting from enemy operations comes to persons
~~who have not fulfilled functions with regard to defense and servicing~~ *not engaged in*

the population, the victims are accorded social security benefits for

invalidism ~~from ordinary causes.~~

An exception to this is

The allotting of state ~~xx~~ social security benefits to persons who
 have been called up for labor duty to build defense construction, ~~is~~

an exception to this. According to the decree of the State Committee on

Defense of July 28, 1941, in case of the ~~loss of limb or death~~ *physical injury* ~~xx~~ resulting

from enemy action of persons from among the population who have been

called up for labor duty, build defense construction, pensions for

invalidism are paid these persons or their families on the same basis

as they are paid to persons serving in the armed forces.

incapacitation physical injury
 Persons whose ~~invalidism~~ *incapacitation* is caused by ~~loss of limb~~ *physical injury* at work or by

occupational diseases are allotted pensions regardless of the length of

time they have been working. Pensions of 100% of the average monthly wage

for the last year of work are allotted to invalids of the first class, pensions

of 75% of the same wage are allotted to invalids of the second ~~xx~~ class,

and of 50% of it are allotted to invalids of the third class.

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However the maximum sum on which the size of the pension is calculated is 300 rubles. For example, if the average monthly wage of an invalid of the first ^{class} group is 550 rubles, his pension is calculated as 100% of the maximum sum, 300 rubles.

When according pensions to persons who ^{have} become ^{an} invalid as a result of ordinary illness or of ^{injuries} loss-of-limb ^{received} not at work, the class of invalidism (gruppya invalidnosti) (I, II or III) and the category of the workers to whom the person in question belongs is taken into account.

Workers and ^{office} clerical workers are divided into three categories: the first category consists of ^{persons employed} workers and clerical workers working in harmful and underground ~~xxx~~ occupations, the second category of ^{persons employed} workers and clerical workers in the metallurgical, machinery, petroleum, and other industries, and in transport, and ⁱⁿ production enterprises, and the third ^{category consists} of the remaining ^{office} workers and clerical workers.

Persons who have worked a certain number of years, depending on sex, age, and category of work, have the right to a pension for invalidism as a result of ordinary illness. ^{The required period is from} For men ~~it is~~ 3 to 20 years, for women ^{from} 2 to 15 years, and for ^{persons} ~~these~~ engaged in underground and harmful occupations, it is from 2 to 14 years.

The amount of the pension is calculated (keeping in mind the ~~fix~~ maximum sum of 300 rubles) according to the following scale (see table 3):

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Table 3

<u>Classes of invalidism</u>	<u>Categories of workers</u>		
	<u>First</u>	<u>Second</u>	<u>Third</u>
	In percentages		
First	69	68	67
Second	49	48	47
Third	35	34	33

There is a bonus of from 10 to 25% for continuous work in one enterprise, depending on the length of continuous work and the category of workers (a worker in ^{category I} the first category with ten years' service ^{category I} who is in receives a bonus of 20%, one ~~xxxxx~~ in category II receives 15%, and in category III, 10%).

If the invalid continues to work he ~~xxxxxx~~ is paid ~~xxx~~ but his income is so adjusted ~~so~~ that the pension plus the wage received do not exceed the full former ~~xxxx~~ income. However, under these circumstances the ~~the~~ invalid ~~xxxx~~ continues to receive ~~xx~~ at least 50% of the pension.

According to the decree of the Council of People's Commissars of the USSR of July 28, 1941 pensioners who have returned to production ~~xxxx~~ retain their pension regardless of the amount of ~~xx~~ their ~~xx~~ salaries.

Pensions for old age ^{office employees} all workers and ~~clerical workers~~ have the right to a pension regardless of ability to work--men at 60 years of age if they have worked at least 25 years, and women at 55 if they have worked for

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at least 20 years. When these conditions are fulfilled (age and years of work) the right ~~of~~ a pension for old age remains regardless of whether ~~or not~~ the worker stops *the work which he has been performing up until the date of application for a pension.*

The pension is given for life, and the size of it depends only on the ~~xxxxxxx~~ category of the worker. It is calculated at a percentage of the average wage for the current year (taking into consideration that the maximum sum is 300 rubles) according to the following scale:

Workers of category I--60%

Workers of category II--55%

Workers of category III--50%

If a person who is receiving a pension for old age continues to work, the pension is paid regardless of the wage.
Pensions to families losing a breadwinner. The members of ~~xxx~~ the *deceased* family of a ~~dead~~ or missing breadwinner who were dependent upon him for support have the right to receive this pension.

If the breadwinner died from physical injuries received at work or from an occupational illness or if he was a pensioner, then the members of his family who were his dependents have the right to a pension regardless of the ~~period of his work.~~ *length of time he worked.*

If the breadwinner died ~~xxxxxxx~~ of an ordinary illness, it is necessary that ~~xxx~~ he should have worked the length of time ~~xxxx~~ required to receive a pension for invalidism.

The amount of the pension is calculated in the following way: it is assumed that the deceased had the right to a pension for invalidism

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from physical injuries received at work in the first ^{case} instance and for invalidism of the second class from ordinary illness in the second ^{case} instance; 50% of this pension is given for one ^{dependent} member ⁱⁿ of the family, 75% for two ^{members}, and 100% for three, 125% for four or more.

State benefits ~~xxxxxxxxxxxx~~ ^{in wartime} are given to the families of men in the ~~xxxxxx~~ armed services who are enlisted personnel. The amount of the benefits is determined by the number of persons in the family who are unable to work and the ~~xxxxxx~~ family's place of residence (in an urban or rural area). Benefits of 100 to 250 rubles are paid in the urban areas. In rural areas, if the family is connected with agriculture (is a member of a collective farm or if ~~the head of the household is a member of a collective farm~~ there is an agricultural tax ^{levied} assessed on the farm), the size of the pension is cut 50%. However, mere residence in a rural locality without any connection with agriculture is not a basis for ~~xxxxxx~~ allotting and paying benefits according to the standards for rural localities, areas.

State benefits are allotted by special commissions attached to the executive committees of rayon and city Soviets of ^{Working People's} ~~Workers'~~ Deputies.

Until January 1943 the offices of social security were in charge of the allotting of pensions. ^{In January 1943,} According to the decrees of the Central Committee of the All-Union Communist Party (Bolsheviks) ^{in order to better serve the} ~~xxxxxx~~ families of persons in the armed forces, particularly with regard to the allotment of benefits, offices ~~for~~ ^{for} ~~xxxxxx~~ ^{for} providing taking care of the state social

security and the needs of the families of men in the armed forces were attached to the executive committees of the Soviets of ^{Working People's} ~~Workers'~~ Deputies.

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The fact that there are members of the family who are unable to work is very important in allotting benefits. The persons who are considered ^{are:} ~~unable to work~~ ^{able-bodied} ~~children~~ children and brothers and sisters (if they ~~are not~~ ^{able-bodied} ~~parents~~ ^{able to work} ~~under 16 years of age~~ ^{under 18}), a father over 60 years old and mother over 55, and wife and parents who are invalids of the first ~~xxx~~ or second class, regardless of age.

serviceman's
Only the ~~xx~~ dependents, of the ~~xxxxxxx~~ service person in service,
~~/~~
that is, persons ~~xxxxxxxxx~~ whose permanent and basic source of
subsistence was ~~xxxxxxxxx~~ the serviceman's help, have the e
right to receive benefits.

accrue
Benefits ~~are~~^{is} allotted to the family from the ~~time~~^{date} ~~the worker was awarded~~
~~reduction mobilized person are settled at his work~~ date the ^{books} accounts on:
the mobilized worker at his place of employment are closed (to the families).
(benefits accrue to the families of collective farmers from the date of
induction), and are paid until demobilization, the allotment of a pension
allotment
according
for invalidism to the serviceman, the ~~amount~~^{of} a pension to his family
^{upon his death,}
(when the ~~serviceman is killed or dies~~, ~~and~~ or upon the awarding of a
commission to the serviceman.

In wartime the families of persons who are in partisan detachments receive ^{government} state benefits under the same ~~xxx~~ system and on the same bases.

2. Securing employment. The basic considerations in securing SECURITY

employment for invalids are:

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Employment of invalids in light work (as watchmen, doormen, messengers, checkroom attendants, and the like); distribution among the government departments is conducted ^{according} to plans annually approved by the councils of people's commissars of the union republics;

The organization ^{setting up} of enterprises with special ^{working conditions} labor systems adapted to the degree of ^{incapacitation} disability of the invalids;

The organization of instruction and refresher courses in special schools, ^{of on-the-job training} and production-training enterprises and courses in industrial enterprises;

The organization of invalid cooperatives.

In the Patriotic War ^{employment had to be secured} the problem came up of procuring employment

for war invalids and members of the families of persons inducted into

the Red Army. ^{Taking care of} Solving this problem is the duty of the offices of social security ^{for} (with regard to war invalids) and the offices of state assistance and the procurement of necessities (for the families of ^{servicemen} persons in the armed-services).

^{social} The offices of security establish direct ^{liaison the} ~~liaison~~ with military medical institutions serving the territory and ^{together with the latter} ~~they jointly~~ organize preliminary training of ~~invalids~~ war invalids for work. The offices of social security are required to procure employment for them first.

^{Securing} Procuring employment for war invalids is considered a state ^{task.} ~~problem.~~

The offices of social security are required to ^{ascertain} ~~explain~~ through the ^{governmental} ~~state~~, cooperative, and social organizations and establishments all the opportunities

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for job placement

for procuring the labor of invalids of the Patriotic War. The offices

of social security and the interested ~~ministries~~ government ^{agencies} departments~~work~~ jointly work out programs for training ~~invalids~~ war invalids with*by means of*
~~training~~ training courses. Training is at the expense ~~of the expense~~of these government ^{agencies} departments and ~~ministries~~ they are responsible for it.*are lacking in general educational preparation*
War invalids who ~~do not have sufficient schooling and employed and~~
are given the same type work and training as invalid
~~trained in the same places as~~ members of cooperative artels. Invalid

collective farmers are sent to their collective farms and participate

within the collective farms in all practicable types of work *in which they are capable of participating.*~~Organization of home artels~~The organization of home artels which ~~farmers are permitted to~~within the invalid cooperative ^{is} ~~are~~ widely employed. *very common.*

Taking care of securing employment for the members of the families

of persons mobilized into the Red Army is the duty of the offices for

state assistance and procuring necessities for the families of persons

in armed services. This ~~ex~~ assistance, ~~ix~~ along with monetary

assistance, is given first to the members of the families of enlisted

personnel; they are directed to all ~~available~~ types of work *which they are capable of performing.*Employment at home is organized ^{within} ~~in~~ the invalid cooperative system.

Various types of short-term courses are organized for the members of

the families of persons mobilized into the Red Army.

3. The direction of social organizations. The organs of social

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security exercise state supervision of mutual assistance ~~associations~~ ^{over the societies of}
 and ~~the~~ ^{the} collective farms, and in industrial cooperatives, invalid cooperatives,
 and ~~voluntary~~ ^{over self-help} associations of blind persons and deaf-mutes, deaf-mutes.

The ~~xxxxxx~~ ^{social} mutual assistance banks of collective farms and

the mutual insurance banks in industrial cooperatives are organized

on voluntary principles to render material assistance to the members of

collective farms and home-craft artels, in so far as these persons

do not come under the laws on receiving pensions. The ~~codes of~~ ^{societies}
 regulations of these banks are approved by the organs of social security.

The invalid cooperative is an independent cooperative system;

its purpose is to better the material position of invalids

and to draw them into the social structure by finding them work on the

principles of self-help. * At the head of this system in the RSFSR is

the All-Russian Council of Invalids' Cooperatives, which operates

under the control and supervision of the People's Commissariat of Social

Security.

The All-Russian Society of the Blind ^{/Vserossiyskoye obshchestvo slivnykh/} and the All-Russian Society

of the Deaf and Dumb ^{/Vserossiyskoye obshchestvoглухонемых/} are voluntary associations of persons who have

physical handicaps. ~~xxxxxx~~ The purpose of these associations is

to educate ^{politically} and to find ^{employment} for them.

The ~~regulations~~ ^{regulations} of these societies are approved by the Council

of the People's Commissariat of Social Security, which exercises supervision

over the activities of these societies.

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